

Senate File 272 - Enrolled

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SENATE FILE 272

AN ACT

RELATING TO NONSUBSTANTIVE CODE CORRECTIONS AND INCLUDING
EFFECTIVE AND RETROACTIVE APPLICABILITY DATE PROVISIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 6B.14, unnumbered paragraph 2, Code 2007, is amended to read as follows:

Prior to the meeting of the commission, the commission or a commissioner shall not communicate with the applicant, property owner, or tenant, or their agents, regarding the condemnation proceedings. The commissioners shall meet in open session to view the property and to receive evidence, but may deliberate in closed session. When deliberating in closed session, the meeting is closed to all persons who are not commissioners except for personnel from the sheriff's office if such personnel is requested by the commission. After deliberations commence, the commission and each commissioner is prohibited from communicating with any party to the proceeding. However, if the commission is deliberating in closed session, and after deliberations commence the commission requires further information from a party or a witness, the commission shall notify the property owner and the acquiring agency that they are allowed to attend the meeting at which such additional information shall be provided but only for that period of time during which the additional information is being provided. The property owner and the acquiring agency shall be given a reasonable opportunity to attend the meeting. The commission shall keep minutes of all its meetings showing the date, time, and place, the members present, and the action taken at each meeting. The minutes shall show the results of each vote taken and information sufficient to indicate the vote of each member present. The vote of each member present shall be made public at the open session. The minutes shall be public records open to public inspection.

Sec. 2. Section 8.6, subsection 15, unnumbered paragraph 1, Code 2007, is amended to read as follows:

~~Designate~~ To designate a position within the department to serve as the executive branch's risk management coordinator. The risk management coordinator shall have all of the following responsibilities:

Sec. 3. Section 8A.415, subsection 2, unnumbered paragraph 1, Code 2007, is amended to read as follows:

A merit system employee, except an employee covered by a collective bargaining agreement, who is discharged, suspended, demoted, or otherwise ~~reduced~~ receives a reduction in pay, except during the employee's probationary period, may bypass steps one and two of the grievance procedure and appeal the disciplinary action to the director within seven calendar days following the effective date of the action. The director shall respond within thirty calendar days following receipt of the appeal.

Sec. 4. Section 11.36, Code 2007, is amended to read as follows:

11.36 REVIEW OF ENTITIES RECEIVING PUBLIC MONEYS.

1. The auditor of state may, at the request of a department, review, during normal business hours upon reasonable notice of at least twenty-four hours, the audit working papers prepared by a certified public accountant covering the receipt and expenditure of state or federal funds provided by the department to any other entity to determine if the receipt and expenditure of those funds by the entity is consistent with the laws, rules, regulations, and contractual agreements governing those funds. Upon completion of the review, the auditor of state shall report whether, in the auditor of state's judgment, the auditor of state believes the certified public accountant's working papers adequately demonstrate that the laws, rules, regulations, and contractual agreements governing the funds have been substantially complied with. If the auditor of state does not believe the

3 4 certified public accountant's working papers adequately
3 5 demonstrate that the laws, rules, regulations, and contractual
3 6 agreements have been substantially complied with or believes a
3 7 complete or partial reaudit is necessary based on the
3 8 provisions of section 11.6, subsection 4, paragraph "a" or
3 9 "b", the auditor of state shall notify the certified public
3 10 accountant and the department of the actions the auditor of
3 11 state believes are necessary to determine ~~that whether~~ the
3 12 entity is in substantial compliance with those laws, rules,
3 13 regulations, and contractual agreements. The auditor of state
3 14 may assist departments with actions to determine ~~that whether~~
3 15 the entity is in substantial compliance. Departments
3 16 requesting the review shall reimburse the auditor of state for
3 17 the cost of the review and any subsequent assistance provided
3 18 by the auditor of state.

3 19 2. The auditor of state may, at the request of a
3 20 department, review the records covering the receipt and
3 21 expenditure of state or federal funds provided by the
3 22 department to any other entity which has not been audited by a
3 23 certified public accountant to determine if the receipt and
3 24 expenditure of those funds by the entity is consistent with
3 25 the laws, rules, regulations, and contractual agreements
3 26 governing those funds. Upon completion of the review, the
3 27 auditor of state shall report whether, in the auditor of
3 28 state's judgment, the auditor of state believes the entity
3 29 adequately demonstrated that the laws, rules, regulations, and
3 30 contractual agreements governing the funds have been
3 31 substantially complied with. If the auditor of state does not
3 32 believe the entity adequately demonstrated that the laws,
3 33 rules, regulations, and contractual agreements have been
3 34 substantially complied with, the auditor of state shall notify
3 35 the department of the actions the auditor of state believes
4 1 are necessary to determine ~~that whether~~ the entity is in
4 2 substantial compliance with those laws, rules, regulations,
4 3 and contractual agreements. The auditor of state may assist a
4 4 department with actions to determine ~~that whether~~ the entity
4 5 is in substantial compliance. Departments requesting the
4 6 review shall reimburse the auditor of state for the cost of
4 7 the review and any subsequent assistance provided by the
4 8 auditor of state.

4 9 3. When, in the auditor of state's judgment, the auditor
4 10 of state finds that sufficient information is available to
4 11 demonstrate that an entity receiving state or federal funds
4 12 from a department may not have substantially complied with the
4 13 laws, rules, regulations, and contractual agreements governing
4 14 those funds, the auditor of state shall notify the department
4 15 providing those funds to the entity of the auditor of state's
4 16 finding. The department shall cooperate with the auditor of
4 17 state to establish actions to be taken to determine whether
4 18 substantial compliance with those laws, rules, regulations,
4 19 and contractual agreements has been achieved by the entity
4 20 receiving the state or federal funds from the department.
4 21 Departments providing the state or federal funds shall
4 22 reimburse the auditor of state for any actions taken by the
4 23 auditor of state to determine whether the entity has
4 24 substantially complied with the laws, rules, regulations, and
4 25 contractual agreements governing the funds provided by the
4 26 department for costs expended after the date the auditor of
4 27 state notifies the department of an issue involving
4 28 substantial compliance pursuant to the requirements of this
4 29 subsection.

4 30 Sec. 5. Section 12.76, Code 2007, is amended to read as
4 31 follows:

4 32 12.76 LIMITATIONS.

4 33 Bonds or notes issued pursuant to section 12.71 are not
4 34 debts of the state, or of any political subdivision of the
4 35 state, and do not constitute a pledge of the faith and credit
5 1 of the state or a charge against the general credit or general
5 2 fund of the state. The issuance of any bonds or notes
5 3 pursuant to section 12.71 by the treasurer of state does not
5 4 directly, indirectly, or contingently obligate the state or a
5 5 political subdivision of the state to apply moneys from, or to
5 6 levy or pledge any form of taxation whatever, to, the payment
5 7 of the bonds or notes. Bonds and notes issued under section
5 8 12.71 are payable solely and only from the sources and special
5 9 fund provided in section 12.72.

5 10 Sec. 6. Section 12.91, subsection 16, Code 2007, is
5 11 amended to read as follows:

5 12 16. Bonds issued pursuant to this section are not debts of
5 13 the state, or of any political subdivision of the state, and
5 14 do not constitute a pledge of the faith and credit of the

5 15 state or a charge against the general credit or general fund
5 16 of the state. The issuance of any bonds pursuant to this
5 17 section by the treasurer of state does not directly,
5 18 indirectly, or contingently obligate the state or a political
5 19 subdivision of the state to apply moneys from, or to levy or
5 20 pledge any form of taxation whatever, to, the payment of the
5 21 bonds. Bonds issued under this section are payable solely and
5 22 only from the sources and special fund provided in this
5 23 section.

5 24 Sec. 7. Section 13B.4, subsection 4, paragraph d,
5 25 subparagraph (8), Code 2007, is amended to read as follows:

5 26 (8) ~~Any If the state public defender is not first notified~~
5 27 ~~and given an opportunity to be heard, any court order entered~~
5 28 ~~after the state public defender has taken action on a claim,~~
5 29 ~~which affects that claim, without first notifying the state~~
5 30 ~~public defender and permitting the state public defender an~~
5 31 ~~opportunity to be heard, is void.~~

5 32 Sec. 8. Section 15.318, subsection 16, Code 2007, is
5 33 amended to read as follows:

5 34 16. In cases where projects being reviewed at the same
5 35 time are given equivalent ratings under subsections 1 through
6 1 15, preference in funding shall be given to the project which
6 2 is located in the county which has the highest percentage of
6 3 ~~low= low=income~~ and moderate=income individuals. If the
6 4 projects are located in the same county, preference in funding
6 5 shall be given to the project which is located in the city
6 6 which has the highest percentage of ~~low= low=income~~ and
6 7 moderate=income individuals.

6 8 Sec. 9. Section 15I.3, subsection 1, Code 2007, is amended
6 9 to read as follows:

6 10 1. In order for a ~~wage-benefit~~ wage=benefits tax credit to
6 11 be claimed, the business shall submit an application to the
6 12 department along with information on the qualified new job or
6 13 retained qualified new job and any other information required.
6 14 Applications for approval of the tax credit shall be on forms
6 15 approved by the department. Within forty=five=days of receipt
6 16 of the application, the department shall either approve or
6 17 disapprove the application. After the forty=five=day limit,
6 18 the application is deemed approved.

6 19 Sec. 10. Section 16.2, Code 2007, is amended to read as
6 20 follows:

6 21 16.2 ESTABLISHMENT OF AUTHORITY == TITLE GUARANTY
6 22 DIVISION.

6 23 1. The Iowa finance authority is established, and
6 24 constituted a public instrumentality and agency of the state
6 25 exercising public and essential governmental functions, to
6 26 undertake programs which assist in attainment of adequate
6 27 housing for low or moderate income families, elderly families,
6 28 and families which include one or more persons with
6 29 disabilities, and to undertake the Iowa homesteading program,
6 30 the small business loan program, the export business finance
6 31 program, and other finance programs. The powers of the
6 32 authority are vested in and shall be exercised by a board of
6 33 nine members appointed by the governor subject to confirmation
6 34 by the senate. No more than five members shall belong to the
6 35 same political party. As far as possible, the governor shall
7 1 include within the membership persons who represent community
7 2 and housing development industries, housing finance
7 3 industries, the real estate sales industry, elderly families,
7 4 minorities, lower income families, very low income families,
7 5 families which include persons with disabilities, average
7 6 taxpayers, local government, business and international trade
7 7 interests, and any other person specially interested in
7 8 community housing, finance, small business, or export business
7 9 development.

7 10 2. A title guaranty division is created within the
7 11 authority. The powers of the division relating to the
7 12 issuance of title guaranties are vested in and shall be
7 13 exercised by a division board of five members appointed by the
7 14 governor subject to confirmation by the senate. The
7 15 membership of the board shall include an attorney, an
7 16 abstractor, a real estate broker, a representative of a
7 17 mortgage=lender, and a representative of the housing
7 18 development industry. The executive director of the authority
7 19 shall appoint an attorney as director of the title guaranty
7 20 division who shall serve as an ex officio member of the board.
7 21 The appointment of and compensation for the division director
7 22 are exempt from the merit system provisions of chapter 8A,
7 23 subchapter IV.

7 24 a. Members of the board of the division shall be appointed
7 25 by the governor for staggered terms of six years beginning and

7 26 ending as provided in section 69.19. A person shall not serve
7 27 on the division board while serving on the authority board. A
7 28 person appointed to fill a vacancy shall serve only for the
7 29 unexpired portion of the term. A member is eligible for
7 30 reappointment. A member of the division board may be removed
7 31 from office by the governor for misfeasance, malfeasance, or
7 32 willful neglect of duty or for other just cause, after notice
7 33 and hearing, unless notice and hearing is expressly waived in
7 34 writing.

7 35 b. Three members of the board shall constitute a quorum.
8 1 An affirmative vote of a majority of the appointed members is
8 2 necessary for any substantive action taken by the division.

8 3 c. Members of the board are entitled to receive a per diem
8 4 as specified in section 7E.6 for each day spent in performance
8 5 of duties as members and shall be reimbursed for all actual
8 6 and necessary expenses incurred in the performance of duties
8 7 as members.

8 8 d. Members of the board and the director shall give bond
8 9 as required for public officers in chapter 64.

8 10 e. Meetings of the board shall be held at the call of the
8 11 chair of the board or on written request of two members.

8 12 f. Members shall elect a chair and vice chair annually and
8 13 other officers as they determine. The director shall serve as
8 14 secretary to the board.

8 15 g. The net earnings of the division, beyond that necessary
8 16 for reserves, backing, guaranties issued or to otherwise
8 17 implement the public purposes and programs authorized, shall
8 18 not inure to the benefit of any person other than the state
8 19 and are subject to subsection 8 2.

8 20 ~~2- 3.~~ Members of the authority shall be appointed by the
8 21 governor for staggered terms of six years beginning and ending
8 22 as provided in section 69.19. A person appointed to fill a
8 23 vacancy shall serve only for the unexpired portion of the
8 24 term. A member is eligible for reappointment. A member of
8 25 the authority may be removed from office by the governor for
8 26 misfeasance, malfeasance, or willful neglect of duty or other
8 27 just cause, after notice and hearing, unless the notice and
8 28 hearing is expressly waived in writing.

8 29 ~~3- 4.~~ Five members of the authority constitute a quorum
8 30 and the affirmative vote of a majority of the appointed
8 31 members is necessary for any substantive action taken by the
8 32 authority. The majority shall not include any member who has
8 33 a conflict of interest and a statement by a member of a
8 34 conflict of interest shall be conclusive for this purpose. A
8 35 vacancy in the membership does not impair the right of a
9 1 quorum to exercise all rights and perform all duties of the
9 2 authority.

9 3 ~~4- 5.~~ Members of the authority are entitled to receive a
9 4 per diem as specified in section 7E.6 for each day spent in
9 5 performance of duties as members, and shall be reimbursed for
9 6 all actual and necessary expenses incurred in the performance
9 7 of duties as members.

9 8 ~~5- 6.~~ Members of the authority and the executive director
9 9 shall give bond as required for public officers in chapter 64.

9 10 ~~6- 7.~~ Meetings of the authority shall be held at the call
9 11 of the chairperson or whenever two members so request.

9 12 ~~7- 8.~~ Members shall elect a chairperson and vice
9 13 chairperson annually, and other officers as they determine,
9 14 but the executive director shall serve as secretary to the
9 15 authority.

9 16 ~~8- 9.~~ The net earnings of the authority, beyond that
9 17 necessary for retirement of its notes, bonds or other
9 18 obligations, or to implement the public purposes and programs
9 19 herein authorized, shall not inure to the benefit of any
9 20 person other than the state. Upon termination of the
9 21 existence of the authority, title to all property owned by the
9 22 authority, including any such net earnings of the authority,
9 23 shall vest in the state. The state reserves the right at any
9 24 time to alter, amend, repeal, or otherwise change the
9 25 structure, organization, programs, or activities of the
9 26 authority, including the power to terminate the authority,
9 27 except that no law shall ever be passed impairing the
9 28 obligation of any contract or contracts entered into by the
9 29 authority to the extent that any such law would contravene
9 30 Article I, section 21, of the Constitution of the State of
9 31 Iowa or Article I, section 10, of the Constitution of the
9 32 United States.

9 33 Sec. 11. Section 21.8, subsection 1, paragraph c, Code
9 34 2007, is amended to read as follows:

9 35 c. Minutes are kept of the meeting. The minutes shall
10 1 include a statement explaining why a meeting in person was

10 2 impossible or impractical.

10 3 ~~The minutes shall include a statement explaining why a~~
~~10 4 meeting in person was impossible or impractical.~~

10 5 Sec. 12. Section 29A.101A, subsection 5, Code 2007, is
10 6 amended to read as follows:

10 7 5. Rents or lease amounts unpaid for the period preceding
10 8 the effective date of the lease termination shall be paid on a
10 9 prorated basis. In the case of a vehicle lease, the lessor
10 10 ~~may~~ shall not impose an early termination charge, but any
10 11 taxes, summonses, and title and registration fees and any
10 12 other obligation and liability of the lessee in accordance
10 13 with the terms of the lease, including reasonable charges to
10 14 the lessee for excess wear, use, and mileage, that are due and
10 15 unpaid at the time of termination of the lease shall be paid
10 16 by the lessee.

10 17 Sec. 13. Section 29B.18, subsection 1, Code 2007, is
10 18 amended to read as follows:

10 19 1. ~~a.~~ Subject to section 29B.16, special courts=martial
10 20 have jurisdiction to try persons subject to this code for any
10 21 offense for which they may have been punished under this code
10 22 and may, under such limitations as the adjutant general may
10 23 impose by rule, adjudge any one or a combination of the
10 24 following punishments:

10 25 ~~a. (1)~~ A fine not exceeding one hundred dollars.

10 26 ~~b. (2)~~ Forfeiture of pay and allowances not exceeding one
10 27 thousand dollars.

10 28 ~~c. (3)~~ A reprimand.

10 29 ~~d. (4)~~ Dismissal or dishonorable discharge.

10 30 ~~e. (5)~~ Reduction of a noncommissioned officer to the
10 31 ranks.

10 32 ~~b.~~ A special courts=martial shall not try a commissioned
10 33 officer.

10 34 Sec. 14. Section 36.3, subsection 3 and unnumbered
10 35 paragraph 2, Code 2007, are amended to read as follows:

11 1 3. Conduct epidemiological investigations of veterans who
11 2 have cancer or other medical problems or who have children
11 3 born with birth defects associated with exposure to chemicals,
11 4 in consultation and cooperation with a certified medical
11 5 toxicologist selected by the department. The department shall
11 6 obtain consent from a veteran before conducting the
11 7 investigations. The department shall cooperate with local and
11 8 state agencies during the course of an investigation.

11 9 ~~The department shall cooperate with local and state~~
~~11 10 agencies during the course of an investigation.~~

11 11 Sec. 15. Section 68B.37, subsections 1 and 2, Code 2007,
11 12 are amended to read as follows:

11 13 1. A lobbyist before the general assembly shall file with
11 14 the general assembly, on forms prescribed by each house of the
11 15 general assembly, a report disclosing all of the following:

11 16 a. The lobbyist's clients before the general assembly.

11 17 b. Contributions made to candidates for state office by
11 18 the lobbyist during calendar months during the reporting
11 19 period when the general assembly is not in session.

11 20 c. The recipient of the campaign contributions.

11 21 d. Expenditures made by the lobbyist for the purposes of
11 22 providing the services enumerated under section 68B.2,
11 23 subsection 13, paragraph "a", before the general assembly.

11 24 For purposes of this paragraph, "expenditures" does not
11 25 include expenditures made by any organization for publishing a
11 26 newsletter or other informational release for its members.

11 27 ~~For purposes of this subsection, "expenditures" does not~~
~~11 28 include expenditures made by any organization for publishing a~~
~~11 29 newsletter or other informational release for its members.~~

11 30 2. A lobbyist before a state agency or the office of the
11 31 governor shall file with the board, on forms prescribed by the
11 32 board, a report disclosing all of the following:

11 33 a. The lobbyist's clients before the executive branch.

11 34 b. Contributions made to candidates for state office by
11 35 the lobbyist during calendar months during the reporting
12 1 period when the general assembly is not in session.

12 2 c. The recipient of the campaign contributions.

12 3 d. Expenditures made by the lobbyist for the purposes of
12 4 providing the services enumerated under section 68B.2,
12 5 subsection 13, paragraph "a", before the executive branch.

12 6 For purposes of this paragraph, "expenditures" does not
12 7 include expenditures made by any organization for publishing a
12 8 newsletter or other informational release for its members.

12 9 ~~For purposes of this subsection, "expenditures" does not~~
~~12 10 include expenditures made by any organization for publishing a~~
~~12 11 newsletter or other informational release for its members.~~

12 12 Sec. 16. Section 69.15, Code 2007, is amended to read as

12 13 follows:

12 14 69.15 BOARD MEMBERS == NONATTENDANCE == VACANCY.

12 15 1. Any person who has been appointed by the governor to
12 16 any board under the laws of this state shall be deemed to have
12 17 submitted a resignation from such office if either of the
12 18 following events occurs:

12 19 1- a. The person does not attend three or more consecutive
12 20 regular meetings of such board. This paragraph does not apply
12 21 unless the first and last of the consecutive meetings counted
12 22 for this purpose are at least thirty days apart.

12 23 2- b. The person attends less than one-half of the regular
12 24 meetings of such board within any period of twelve calendar
12 25 months beginning on July 1 or January 1. This paragraph does
12 26 not apply unless such board holds at least four regular
12 27 meetings during such period. This paragraph applies only to
12 28 such a period beginning on or after the date when the person
12 29 takes office as a member of such board.

12 30 2. If such person received no notice and had no knowledge
12 31 of a regular meeting and gives the governor a sworn statement
12 32 to that effect within ten days after the person learns of the
12 33 meeting, such meeting shall not be counted for the purposes of
12 34 this section.

12 35 3. The governor in the governor's discretion may accept or
13 1 reject such resignation. If the governor accepts it, the
13 2 governor shall notify such person, in writing, that the
13 3 resignation is accepted pursuant to this section. The
13 4 governor shall then make another appointment to such office.
13 5 Such appointment shall be made in the same manner and for the
13 6 same term as in the case of other vacancies caused by
13 7 resignation from such office.

13 8 4. As used in this section, "board" includes any
13 9 commission, committee, agency, or governmental body which has
13 10 three or more members.

13 11 Sec. 17. Section 72.5, subsection 2, Code 2007, is amended
13 12 to read as follows:

13 13 2. The director of the department of natural resources in
13 14 consultation with the department of management, state building
13 15 code commissioner, and state fire marshal, shall develop
13 16 standards and methods to evaluate design development documents
13 17 and construction documents based upon life cycle cost factors,
13 18 to facilitate fair and uniform comparisons between design
13 19 proposals and informed decision making by public bodies.

13 20 Sec. 18. Section 80B.11, Code 2007, is amended to read as
13 21 follows:

13 22 80B.11 RULES.

13 23 1. The director of the academy, subject to the approval of
13 24 the council, shall promulgate rules in accordance with the
13 25 provisions of this chapter and chapter 17A, giving due
13 26 consideration to varying factors and special requirements of
13 27 law enforcement agencies relative to the following:

13 28 1- a. Minimum entrance requirements, course of study,
13 29 attendance requirements, and equipment and facilities required
13 30 at approved law enforcement training schools. Minimum age
13 31 requirements for entrance to approved law enforcement training
13 32 schools shall be eighteen years of age. Minimum course of
13 33 study requirements shall include a separate domestic abuse
13 34 curriculum, which may include, but is not limited to, outside
13 35 speakers from domestic abuse shelters and crime victim
14 1 assistance organizations. Minimum course of study

14 2 requirements shall also include a sexual assault curriculum.

14 3 2- b. Minimum basic training requirements law enforcement
14 4 officers employed after July 1, 1968, must complete in order
14 5 to remain eligible for continued employment and the time
14 6 within which such basic training must be completed. Minimum
14 7 requirements shall mandate training devoted to the topic of
14 8 domestic abuse and sexual assault. The council shall submit
14 9 an annual report to the general assembly by January 15 of each
14 10 year relating to the continuing education requirements devoted
14 11 to the topic of domestic abuse, including the number of hours
14 12 required, the substance of the classes offered, and other
14 13 related matters.

14 14 3- c. (1) Categories or classifications of advanced
14 15 in-service training program and minimum courses of study and
14 16 attendance requirements for such categories or
14 17 classifications.

14 18 (2) In-service training under this ~~subsection~~ paragraph
14 19 "c" shall include the requirement that by December 31, 1994,
14 20 all law enforcement officers complete a course on
14 21 investigation, identification, and reporting of public
14 22 offenses based on the race, color, religion, ancestry,
14 23 national origin, political affiliation, sex, sexual

14 24 orientation, age, or disability of the victim. The director
14 25 shall consult with the civil rights commission, the department
14 26 of public safety, and the prosecuting attorneys training
14 27 coordinator in developing the requirements for this course and
14 28 may contract with outside providers for this course.
14 29 ~~4- d.~~ Within the existing curriculum, expanded training
14 30 regarding racial and cultural awareness and dealing with
14 31 gang-affected youth.
14 32 ~~5- e.~~ Training standards on the subject of human
14 33 trafficking, to include curricula on cultural sensitivity and
14 34 the means to deal effectively and appropriately with
14 35 trafficking victims. Such training shall encourage law
15 1 enforcement personnel to communicate in the language of the
15 2 trafficking victims. The course of instruction and training
15 3 standards shall be developed by the director in consultation
15 4 with the appropriate national and state experts in the field
15 5 of human trafficking.
15 6 ~~6- f.~~ Minimum standards of physical, educational, and
15 7 moral fitness which shall govern the recruitment, selection,
15 8 and appointment of law enforcement officers.
15 9 ~~7- g.~~ Minimum standards of mental fitness which shall
15 10 govern the initial recruitment, selection, and appointment of
15 11 law enforcement officers. The rules shall include, but are
15 12 not limited to, providing a battery of psychological tests to
15 13 determine cognitive skills, personality characteristics, and
15 14 suitability of an applicant for a law enforcement career.
15 15 However, this battery of tests need only be given to
15 16 applicants being considered in the final selection process for
15 17 a law enforcement position. Notwithstanding any provision of
15 18 chapter 400, an applicant shall not be hired if the employer
15 19 determines from the tests that the applicant does not possess
15 20 sufficient cognitive skills, personality characteristics, or
15 21 suitability for a law enforcement career. The director of the
15 22 academy shall provide for the cognitive and psychological
15 23 examinations and their administration to the law enforcement
15 24 agencies or applicants, and shall identify and procure persons
15 25 who can be hired to interpret the examinations.
15 26 ~~8- h.~~ Grounds for revocation or suspension of a law
15 27 enforcement officer's certification.
15 28 ~~9- i.~~ Exemptions from particular provisions of this
15 29 chapter in case of any state, county, or city, if, in the
15 30 opinion of the council, the standards of law enforcement
15 31 training established and maintained by the governmental agency
15 32 are as high or higher than those established pursuant to this
15 33 chapter; or revocation in whole or in part of such exemption,
15 34 if in its opinion the standards of law enforcement training
15 35 established and maintained by the governmental agency are
16 1 lower than those established pursuant to this chapter.
16 2 ~~10- j.~~ Minimum qualifications for instructors in
16 3 telecommunicator training schools.
16 4 ~~11- k.~~ Minimum qualifications for instructors in law
16 5 enforcement and jailer training schools.
16 6 ~~12- l.~~ Certification through examination for individuals
16 7 who have successfully completed the federal bureau of
16 8 investigation national academy, have corrected Snellen vision
16 9 in both eyes of 20/20 or better, and were employed on or
16 10 before January 1, 1996, as chief of police of a city in this
16 11 state with a population of twenty thousand or more.
16 12 2. A certified course of instruction provided for under
16 13 this section which occurs at a location other than at the
16 14 central training facility of the Iowa law enforcement academy
16 15 shall not be eliminated by the Iowa law enforcement academy.
16 16 Sec. 19. Section 80B.13, subsection 8, unnumbered
16 17 paragraph 1, Code 2007, is amended to read as follows:
16 18 Revoke a law enforcement officer's certification for the
16 19 conviction of a felony or revoke or suspend a law enforcement
16 20 officer's certification for a violation of rules adopted
16 21 pursuant to section 80B.11, subsection ~~8~~ 1, paragraph "h". In
16 22 addition the council may consider revocation or suspension
16 23 proceedings when an employing agency recommends to the council
16 24 that revocation or suspension would be appropriate with regard
16 25 to a current or former employee. If a law enforcement officer
16 26 resigns, the employing agency shall notify the council that an
16 27 officer has resigned and state the reason for the resignation
16 28 if a substantial likelihood exists that the reason would
16 29 result in the revocation or suspension of an officer's
16 30 certification for a violation of the rules.
16 31 Sec. 20. Section 85.27, subsection 3, Code 2007, is
16 32 amended to read as follows:
16 33 3. Notwithstanding section 85.26, subsection 4, charges
16 34 believed to be excessive or unnecessary may be referred by the

16 35 employer, insurance carrier, or health service provider to the
17 1 workers' compensation commissioner for determination, and the
17 2 commissioner may utilize the procedures provided in sections
17 3 86.38 and 86.39, or set by rule, and conduct such inquiry as
17 4 the commissioner deems necessary. Any health service provider
17 5 charges not in dispute shall be paid directly to the health
17 6 service provider prior to utilization of procedures provided
17 7 in sections 86.38 and 86.39 or set by rule. A health service
17 8 provider rendering treatment to an employee whose injury is
17 9 compensable under this section agrees to be bound by such
17 10 charges as allowed by the workers' compensation commissioner
17 11 and shall not recover in law or equity any amount in excess of
17 12 charges set by the commissioner. When a dispute under this
17 13 chapter, chapter ~~85~~, 85A, or chapter 85B regarding
17 14 reasonableness of a fee for medical services arises between a
17 15 health service provider and an employer or insurance carrier,
17 16 the health service provider, employer, or insurance carrier
17 17 shall not seek payment from the injured employee.
17 18 Sec. 21. Section 85.61, subsections 11, 12, and 13, Code
17 19 2007, are amended to read as follows:
17 20 11. a. "Worker" or "employee" means a person who has
17 21 entered into the employment of, or works under contract of
17 22 service, express or implied, or apprenticeship, for an
17 23 employer; an executive officer elected or appointed and
17 24 empowered under and in accordance with the charter and bylaws
17 25 of a corporation, including a person holding an official
17 26 position, or standing in a representative capacity of the
17 27 employer; an official elected or appointed by the state, or a
17 28 county, school district, area education agency, municipal
17 29 corporation, or city under any form of government; a member of
17 30 the state patrol; a conservation officer; and a proprietor,
17 31 limited liability company member, limited liability partner,
17 32 or partner who elects to be covered pursuant to section 85.1A,
17 33 except as specified in this chapter.
17 34 b. "Worker" or "employee" includes an inmate as defined in
17 35 section 85.59 and a person described in section 85.60.
18 1 c. "Worker" or "employee" includes an emergency medical
18 2 care provider as defined in section 147A.1, a volunteer
18 3 emergency rescue technician as defined in section 147A.1, a
18 4 volunteer ambulance driver, or an emergency medical technician
18 5 trainee, only if an agreement is reached between such worker
18 6 or employee and the employer for whom the volunteer services
18 7 are provided that workers' compensation coverage under this
18 8 chapter and chapters ~~85~~, 85A, and 85B is to be provided by the
18 9 employer. An emergency medical care provider or volunteer
18 10 emergency rescue technician who is a worker or employee under
18 11 this paragraph is not a casual employee. "Volunteer ambulance
18 12 driver" means a person performing services as a volunteer
18 13 ambulance driver at the request of the person in charge of a
18 14 fire department or ambulance service of a municipality.
18 15 "Emergency medical technician trainee" means a person enrolled
18 16 in and training for emergency medical technician
18 17 certification.
18 18 d. "Worker" or "employee" includes a real estate agent who
18 19 does not provide the services of an independent contractor.
18 20 For the purposes of this paragraph "d", a real estate agent is
18 21 an independent contractor if the real estate agent is licensed
18 22 by the Iowa real estate commission as a salesperson and both
18 23 of the following apply:
18 24 a- (1) Seventy-five percent or more of the remuneration,
18 25 whether or not paid in cash, for the services performed by the
18 26 individual as a real estate salesperson is derived from one
18 27 company and is directly related to sales or other output,
18 28 including the performance of services, rather than to the
18 29 number of hours worked.
18 30 b- (2) The services performed by the individual are
18 31 performed pursuant to a written contract between the
18 32 individual and the person for whom the services are performed,
18 33 and the contract provides that the individual will not be
18 34 treated as an employee with respect to the services for state
18 35 tax purposes.
19 1 e. "Worker" or "employee" includes a student enrolled in a
19 2 public school corporation or accredited nonpublic school who
19 3 is participating in a school-to-work program that includes,
19 4 but is not limited to, the components provided for in section
19 5 258.10, subsection 2, paragraphs "a" through "f". "Worker" or
19 6 "employee" also includes a student enrolled in a community
19 7 college as defined in section 260C.2, who is participating in
19 8 a school-to-work program that includes, but is not limited to,
19 9 the components provided for in section 258.10, subsection 2,
19 10 paragraphs "a" through "f", and that is offered by the

19 11 community college pursuant to a contractual agreement with a
19 12 school corporation or accredited nonpublic school to provide
19 13 the program.
19 14 ~~12- f.~~ The term "worker" or "employee" shall include the
19 15 singular and plural. Any reference to a worker or employee
19 16 who has been injured shall, when such worker or employee is
19 17 dead, include the worker's or employee's dependents as herein
19 18 defined or the worker's or employee's legal representatives;
19 19 and where the worker or employee is a minor or incompetent, it
19 20 shall include the minor's or incompetent's guardian, next
19 21 friend, or trustee. Notwithstanding any law prohibiting the
19 22 employment of minors, all minor employees shall be entitled to
19 23 the benefits of this chapter and chapters 86 and 87 regardless
19 24 of the age of such minor employee.

19 25 ~~13- g.~~ The following persons shall not be deemed "workers"
19 26 or "employees":

19 27 ~~a- (1)~~ A person whose employment is purely casual and not
19 28 for the purpose of the employer's trade or business except as
19 29 otherwise provided in section 85.1.

19 30 ~~b- (2)~~ An independent contractor.

19 31 ~~c- (3)~~ An owner-operator who, as an individual or partner,
19 32 or shareholder of a corporate owner-operator, owns a vehicle
19 33 licensed and registered as a truck, road tractor, or truck
19 34 tractor by a governmental agency, is an independent contractor
19 35 while performing services in the operation of the
20 1 owner-operator's vehicle if all of the following conditions
20 2 are substantially present:

20 3 ~~(1)~~ (a) The owner-operator is responsible for the
20 4 maintenance of the vehicle.

20 5 ~~(2)~~ (b) The owner-operator bears the principal burden of
20 6 the vehicle's operating costs, including fuel, repairs,
20 7 supplies, collision insurance, and personal expenses for the
20 8 operator while on the road.

20 9 ~~(3)~~ (c) The owner-operator is responsible for supplying
20 10 the necessary personnel to operate the vehicle, and the
20 11 personnel are considered the owner-operator's employees.

20 12 ~~(4)~~ (d) The owner-operator's compensation is based on
20 13 factors related to the work performed, including a percentage
20 14 of any schedule of rates or lawfully published tariff, and not
20 15 on the basis of the hours or time expended.

20 16 ~~(5)~~ (e) The owner-operator determines the details and
20 17 means of performing the services, in conformance with
20 18 regulatory requirements, operating procedures of the carrier,
20 19 and specifications of the shipper.

20 20 ~~(6)~~ (f) The owner-operator enters into a contract which
20 21 specifies the relationship to be that of an independent
20 22 contractor and not that of an employee.

20 23 ~~d- (4)~~ Directors of a corporation who are not at the same
20 24 time employees of the corporation; or directors, trustees,
20 25 officers, or other managing officials of a nonprofit
20 26 corporation or association who are not at the same time
20 27 full-time employees of the nonprofit corporation or
20 28 association.

20 29 ~~e- (5)~~ Proprietors, limited liability company members,
20 30 limited liability partners, and partners who have not elected
20 31 to be covered by the workers' compensation law of this state
20 32 pursuant to section 85.1A.

20 33 Sec. 22. Section 87.1, unnumbered paragraph 2, Code 2007,
20 34 is amended to read as follows:

20 35 A motor carrier who contracts with an owner-operator who is
21 1 acting as an independent contractor pursuant to section 85.61,
21 2 subsection ~~13~~ 11, paragraph "g", shall not be required to
21 3 insure the motor carrier's liability for the owner-operator.
21 4 A motor carrier may procure compensation liability insurance
21 5 coverage for these owner-operators, and may charge the
21 6 owner-operator for the costs of the premiums. A motor carrier
21 7 shall require the owner-operator to provide and maintain a
21 8 certificate of workers' compensation insurance covering the
21 9 owner-operator's employees. An owner-operator shall remain
21 10 responsible for providing compensation liability insurance for
21 11 the owner-operator's employees.

21 12 Sec. 23. Section 87.23, Code 2007, is amended to read as
21 13 follows:

21 14 87.23 COMPENSATION LIABILITY INSURANCE NOT REQUIRED.

21 15 A corporation, association, or organization approved by the
21 16 commissioner of insurance to provide compensation liability
21 17 insurance shall not require a motor carrier that contracts
21 18 with an owner-operator who is acting as an independent
21 19 contractor pursuant to section 85.61, subsection ~~13~~ 11,
21 20 paragraph "g", to purchase compensation liability insurance
21 21 for the employer's liability for the owner-operator or its

21 22 employees.
21 23 Sec. 24. Section 91.16, subsection 1, Code 2007, is
21 24 amended to read as follows:
21 25 1. Any owner, superintendent, manager, or person in charge
21 26 of any factory, mill, workshop, store, mine, hotel,
21 27 restaurant, cafe, railway, business house, public or private
21 28 work, who shall refuse to allow the labor commissioner of
~~21 29 labor~~ or any inspector or employee of the division of labor
21 30 services to enter the same, or who shall hinder or deter the
21 31 commissioner, inspector, or employee in collecting information
21 32 which it is that person's duty to collect shall be guilty of a
21 33 simple misdemeanor.
21 34 Sec. 25. Section 91E.1, subsection 1, Code 2007, is
21 35 amended to read as follows:
22 1 1. "Commissioner" means the ~~commissioner of the division~~
~~22 2 of labor services of the department of workforce development~~
22 3 labor commissioner, appointed pursuant to section 91.2.
22 4 Sec. 26. Section 96.5, subsection 3, paragraph a, Code
22 5 2007, is amended to read as follows:
22 6 a. (1) In determining whether or not any work is suitable
22 7 for an individual, the department shall consider the degree of
22 8 risk involved to the individual's health, safety, and morals,
22 9 the individual's physical fitness, prior training, length of
22 10 unemployment, and prospects for securing local work in the
22 11 individual's customary occupation, the distance of the
22 12 available work from the individual's residence, and any other
22 13 factor which the department finds bears a reasonable relation
22 14 to the purposes of this paragraph. Work is suitable if the
22 15 work meets all the other criteria of this paragraph and if the
22 16 gross weekly wages for the work equal or exceed the following
22 17 percentages of the individual's average weekly wage for
22 18 insured work paid to the individual during that quarter of the
22 19 individual's base period in which the individual's wages were
22 20 highest:
22 21 ~~(1)~~ (a) One hundred percent, if the work is offered during
22 22 the first five weeks of unemployment.
22 23 ~~(2)~~ (b) Seventy-five percent, if the work is offered
22 24 during the sixth through the twelfth week of unemployment.
22 25 ~~(3)~~ (c) Seventy percent, if the work is offered during the
22 26 thirteenth through the eighteenth week of unemployment.
22 27 ~~(4)~~ (d) Sixty-five percent, if the work is offered after
22 28 the eighteenth week of unemployment.
22 29 (2) However, the provisions of this paragraph shall not
22 30 require an individual to accept employment below the federal
22 31 minimum wage.
22 32 Sec. 27. Section 96.5, subsections 4 and 5, Code 2007, are
22 33 amended to read as follows:
22 34 4. LABOR DISPUTES.
22 35 a. For any week with respect to which the department finds
23 1 that the individual's total or partial unemployment is due to
23 2 a stoppage of work which exists because of a labor dispute at
23 3 the factory, establishment, or other premises at which the
23 4 individual is or was last employed, provided that this
23 5 subsection shall not apply if it is shown to the satisfaction
23 6 of the department that:
23 7 ~~a-~~ (1) The individual is not participating in or financing
23 8 or directly interested in the labor dispute which caused the
23 9 stoppage of work; and
23 10 ~~b-~~ (2) The individual does not belong to a grade or class
23 11 of workers of which, immediately before the commencement of
23 12 the stoppage, there were members employed at the premises at
23 13 which the stoppage occurs, any of whom are participating in or
23 14 financing or directly interested in the dispute.
23 15 b. Provided, that if in any case separate branches of work
23 16 which are commonly conducted as separate businesses in
23 17 separate premises are conducted in separate departments of the
23 18 same premises, each such department shall, for the purposes of
23 19 this subsection, be deemed to be a separate factory,
23 20 establishment, or other premises.
23 21 5. OTHER COMPENSATION.
23 22 a. For any week with respect to which the individual is
23 23 receiving or has received payment in the form of any of the
23 24 following:
23 25 ~~a-~~ (1) Wages in lieu of notice, separation allowance,
23 26 severance pay, or dismissal pay.
23 27 ~~b-~~ (2) Compensation for temporary disability under the
23 28 workers' compensation law of any state or under a similar law
23 29 of the United States.
23 30 ~~c-~~ (3) A governmental or other pension, retirement or
23 31 retired pay, annuity, or any other similar periodic payment
23 32 made under a plan maintained or contributed to by a base

23 33 period or chargeable employer where, except for benefits under
23 34 the federal Social Security Act or the federal Railroad
23 35 Retirement Act of 1974 or the corresponding provisions of
24 1 prior law, the plan's eligibility requirements or benefit
24 2 payments are affected by the base period employment or the
24 3 remuneration for the base period employment. However, if an
24 4 individual's benefits are reduced due to the receipt of a
24 5 payment under this paragraph, the reduction shall be decreased
24 6 by the same percentage as the percentage contribution of the
24 7 individual to the plan under which the payment is made.
24 8 b. Provided, that if the remuneration is less than the
24 9 benefits which would otherwise be due under this chapter, the
24 10 individual is entitled to receive for the week, if otherwise
24 11 eligible, benefits reduced by the amount of the remuneration.
24 12 Provided further, if benefits were paid for any week under
24 13 this chapter for a period when benefits, remuneration or
24 14 compensation under paragraph "a", ~~"b", or "c"~~ subparagraph
24 15 (1), (2), or (3), were paid on a retroactive basis for the
24 16 same period, or any part thereof, the department shall recover
24 17 the excess amount of benefits paid by the department for the
24 18 period, and no employer's account shall be charged with
24 19 benefits so paid. However, compensation for service=connected
24 20 disabilities or compensation for accrued leave based on
24 21 military service by the beneficiary with the armed forces of
24 22 the United States, irrespective of the amount of the benefit,
24 23 does not disqualify any individual otherwise qualified from
24 24 any of the benefits contemplated herein. A deduction shall
24 25 not be made from the amount of benefits payable for a week for
24 26 individuals receiving federal social security pensions to take
24 27 into account the individuals' contributions to the pension
24 28 program.

24 29 Sec. 28. Section 96.14, subsection 2, Code 2007, is
24 30 amended to read as follows:

24 31 2. PENALTIES. Any employer who shall fail to file a
24 32 report of wages paid to each of the employer's employees for
24 33 any period in the manner and within the time required by this
24 34 chapter and the rules of the department or any employer who
24 35 the department finds has filed an insufficient report and
25 1 fails to file a sufficient report within thirty days after a
25 2 written request from the department to do so shall pay a
25 3 penalty to the department.

25 4 a. The penalty shall become effective with the first day
25 5 the report is delinquent or, where a report is insufficient,
25 6 with the thirty=first day following the written request for a
25 7 sufficient report.

25 8 b. ~~Penalty~~ The penalty for failing to file a sufficient
25 9 report shall be in addition to any penalty incurred for a
25 10 delinquent report where the delinquent report is also
25 11 insufficient.

25 12 c. The amount of the penalty for delinquent and
25 13 insufficient reports shall be computed based on total wages in
25 14 the period for which the report was due and shall be computed
25 15 as follows:

Days Delinquent or Insufficient	Penalty Rate
1==60	0.1%
61==120	0.2%
121==180	0.3%
181==240	0.4%
241 or over	0.5%

25 23 d. A penalty shall not be less than ten dollars for the
25 24 first delinquent report or the first insufficient report not
25 25 made sufficient within thirty days after a request to do so.
25 26 The penalty shall not be less than twenty=five dollars for the
25 27 second delinquent or insufficient report, and not less than
25 28 fifty dollars for each delinquent or insufficient report
25 29 thereafter, until four consecutive calendar quarters of
25 30 reports are timely and sufficiently filed. Interest,

25 31 penalties, and cost shall be collected by the department in
25 32 the same manner as provided by this chapter for contributions.

25 33 e. If the department finds that any employer has willfully
25 34 failed to pay any contribution or part thereof when required
25 35 by this chapter and the rules of the department, with intent
26 1 to defraud the department, then such employer shall in
26 2 addition to such contribution or part thereof, pay a
26 3 contribution equal to fifty percent of the amount of such
26 4 contribution or part thereof, as the case may be.

26 5 f. The department may cancel any interest or penalties if
26 6 it is shown to the satisfaction of the department that the
26 7 failure to pay a required contribution or to file a required
26 8 report was not the result of negligence, fraud, or intentional

26 9 disregard of the law or the rules of the department.
26 10 Sec. 29. Section 96.17, subsection 3, Code 2007, is
26 11 amended to read as follows:
26 12 3. INDEMNIFICATION. Any member of the department or any
26 13 employee of the department shall be indemnified for any
26 14 damages and legal expenses incurred as a result of the good
26 15 faith performance of their official duties, for any claim for
26 16 civil damages not specifically covered by the Iowa ~~Tort Claims~~
26 17 tort claims Act, chapter 669. Any payment described herein
26 18 shall be paid from the special employment security contingency
26 19 fund in section 96.13, subsection 3.
26 20 Sec. 30. Section 97.52, Code 2007, is amended to read as
26 21 follows:
26 22 97.52 ADMINISTRATION AGREEMENTS.
26 23 The Iowa public employees' retirement system created in
26 24 section 97B.1 may enter into agreements whereby services
26 25 performed by the system and its employees under this chapter
26 26 and chapters 977, 97B7, and 97C shall be equitably apportioned
26 27 among the funds provided for the administration of those
26 28 chapters. The money spent for personnel, rentals, supplies,
26 29 and equipment used by the system in administering the chapters
26 30 shall be equitably apportioned and charged against the funds.
26 31 Sec. 31. Section 97C.19, Code 2007, is amended to read as
26 32 follows:
26 33 97C.19 APPORTIONMENT OF EXPENSE.
26 34 The money spent for personnel, rentals, supplies, and
26 35 equipment used by the state agency in administering this
27 1 chapter and chapters 977, and 97B7, and 97C shall be equitably
27 2 apportioned and charged against the funds provided for the
27 3 administration of this chapter and those chapters.
27 4 Sec. 32. Section 103A.10, subsection 2, paragraph c, Code
27 5 2007, is amended to read as follows:
27 6 c. To all newly constructed buildings and structures the
27 7 construction of which is paid for in whole or in part with
27 8 moneys appropriated by the state but which are not wholly
27 9 owned by the state.
27 10 Sec. 33. Section 103A.10, subsection 3, Code 2007, is
27 11 amended to read as follows:
27 12 3. Provisions of the state building code relating to the
27 13 manufacture and installation of factory-built structures shall
27 14 apply throughout the state. ~~Factory-built structures A~~
27 15 factory-built structure approved by the commissioner shall be
27 16 deemed to comply with all building regulations applicable to
27 17 its manufacture and installation and shall be exempt from any
27 18 other state or local building regulations.
27 19 Sec. 34. Section 103A.10A, subsection 3, Code 2007, is
27 20 amended to read as follows:
27 21 3. All newly constructed buildings and structures the
27 22 construction of which is paid for in whole or in part with
27 23 moneys appropriated by the state but which are not wholly
27 24 owned by the state are subject to the plan review and
27 25 inspection requirements as provided in this subsection. If a
27 26 governmental subdivision has adopted a building code,
27 27 electrical code, mechanical code, and plumbing code and
27 28 performs inspections pursuant to such codes, such buildings or
27 29 structures shall be built to comply with such codes. However,
27 30 if a governmental subdivision has not adopted a building code,
27 31 electrical code, mechanical code, and plumbing code, or does
27 32 not perform inspections pursuant to such codes, such buildings
27 33 or structures shall be built to comply with the state building
27 34 code and shall be subject to a plan review and inspection by
27 35 the commissioner or an independent building inspector
28 1 appointed by the commissioner. A fee shall be assessed for
28 2 the cost of plan review and the cost of inspection.
28 3 Sec. 35. Section 123.37, unnumbered paragraph 1, Code
28 4 2007, is amended to read as follows:
28 5 The power to establish licenses and permits and levy taxes
28 6 as imposed in this chapter 123 is vested exclusively with the
28 7 state. Unless specifically provided, a local authority shall
28 8 not require the obtaining of a special license or permit for
28 9 the sale of alcoholic beverages, wine, or beer at any
28 10 establishment, or require the obtaining of a license by any
28 11 person as a condition precedent to the person's employment in
28 12 the sale, serving, or handling of alcoholic beverages, wine,
28 13 or beer, within an establishment operating under a license or
28 14 permit.
28 15 Sec. 36. Section 123.186, subsection 2, Code 2007, is
28 16 amended to read as follows:
28 17 2. The division shall adopt as rules the substance of 27
28 18 C.F.R. } 6.88, to permit a manufacturer of alcoholic
28 19 beverages, wine, or beer, or an agent of such manufacturer, to

28 20 provide to a retailer without charge wine and beer coil
28 21 cleaning services, including carbon dioxide filters and other
28 22 necessary accessories to properly clean the coil and affix
28 23 carbon dioxide filters. The rules shall provide that the
28 24 manufacturer shall be responsible for paying the costs of any
28 25 filters provided.

28 26 Sec. 37. Section 152.7, Code 2007, is amended to read as
28 27 follows:

28 28 152.7 APPLICANT QUALIFICATIONS.

28 29 1. In addition to the provisions of section 147.3, an
28 30 applicant to be licensed for the practice of nursing shall
28 31 have the following qualifications:

28 32 ~~1- a.~~ Be a graduate of an accredited high school or the
28 33 equivalent.

28 34 ~~2- b.~~ Pass an examination as prescribed by the board.

28 35 ~~3- c.~~ Complete a course of study approved by the board
29 1 pursuant to section 152.5.

29 2 2. For purposes of licensure pursuant to the nurse
29 3 licensure compact contained in section 152E.1, the compact
29 4 administrator may refuse to accept a change in the
29 5 qualifications for licensure as a registered nurse or as a
29 6 licensed practical or vocational nurse by a licensing
29 7 authority in another state which is a party to the compact
29 8 which substantially modifies that state's qualifications for
29 9 licensure in effect on July 1, 2000. For purposes of
29 10 licensure pursuant to the advanced practice registered nurse
29 11 compact contained in section 152E.3, the compact administrator
29 12 may refuse to accept a change in the qualifications for
29 13 licensure as an advanced practice registered nurse by a
29 14 licensing authority in another state which is a party to the
29 15 compact which substantially modifies that state's
29 16 qualifications for licensure in effect on July 1, 2005. A
29 17 refusal to accept a change in a party state's qualifications
29 18 for licensure may result in submitting the issue to an
29 19 arbitration panel or in withdrawal from the respective
29 20 compact, at the discretion of the compact administrator.

29 21 Sec. 38. Section 152E.3, article II, paragraph j, Code
29 22 2007, is amended to read as follows:

29 23 j. "Licensing board" means a party state's regulatory body
29 24 responsible for ~~issuing~~ advanced practice registered nurse
29 25 licensure or authority to practice.

29 26 Sec. 39. Section 153.39, subsection 3, Code 2007, is
29 27 amended to read as follows:

29 28 3. ~~Individuals~~ A person employed as a dental assistant
29 29 after July 1, 2005, shall have a twelve-month period following
29 30 ~~their~~ ~~the person's~~ first date of employment after July 1,
29 31 2005, to comply with the provisions of subsection 1.

29 32 Sec. 40. Section 154B.6, Code 2007, is amended to read as
29 33 follows:

29 34 154B.6 REQUIREMENTS FOR LICENSURE.

29 35 1. Except as provided in this section, an applicant for
30 1 licensure as a psychologist shall meet the following
30 2 requirements in addition to those specified in chapter 147:

30 3 ~~1- a.~~ Except as provided in this section, after July 1,
30 4 1985, a new applicant for licensure as a psychologist shall
30 5 possess a doctoral degree in psychology from an institution
30 6 approved by the board and shall have completed at least one
30 7 year of supervised professional experience under the
30 8 supervision of a licensed psychologist.

30 9 ~~2- b.~~ Have passed an examination administered by the board
30 10 to assure the applicant's professional competence. The
30 11 examination of any of its divisions may be given by the board
30 12 at any time after the applicant has met the degree
30 13 requirements of this section.

30 14 ~~3- c.~~ Have not failed the examination required in
30 15 ~~subsection 2 paragraph "b"~~ within sixty days preceding the
30 16 date of the subsequent examination.

30 17 2. The examinations required in this section may, at the
30 18 discretion of the board, be waived for holders by examination
30 19 of licenses or certificates from states whose requirements are
30 20 substantially equivalent to those of this chapter, and for
30 21 holders by examination of specialty diplomas from the American
30 22 board of professional psychology.

30 23 Sec. 41. Section 154E.4, Code 2007, is amended to read as
30 24 follows:

30 25 154E.4 EXCEPTIONS.

30 26 1. A person shall not practice interpreting or
30 27 transliterating, or represent ~~oneself to be that the person is~~
30 28 an interpreter, unless the person is licensed under this
30 29 chapter.

30 30 2. This chapter does not prohibit any of the following:

30 31 a. Any person residing outside of the state of Iowa
30 32 holding a current license from another state that meets the
30 33 state of Iowa's requirements from providing interpreting or
30 34 transliterating services in this state for up to fourteen days
30 35 per calendar year without a license issued pursuant to this
31 1 chapter.

31 2 b. Any person ~~who interprets or transliterates from~~
31 3 ~~interpreting or transliterating~~ solely in a religious setting
31 4 with the exception of those working in schools that receive
31 5 government funding.

31 6 c. Volunteers working without compensation, including
31 7 emergency situations, until a licensed interpreter is
31 8 obtained.

31 9 d. Any person working as a substitute for a licensed
31 10 interpreter in an early childhood, elementary, or secondary
31 11 education setting for no more than thirty school days in a
31 12 calendar year.

31 13 e. Students enrolled in a school of interpreting ~~may~~
31 14 ~~interpret from interpreting~~ only under the direct supervision
31 15 of a permanently licensed interpreter as part of the student's
31 16 course of study.

31 17 Sec. 42. Section 155A.24, subsection 8, Code 2007, is
31 18 amended to read as follows:

31 19 8. A wholesaler who knowingly forges, counterfeits, or
31 20 falsely creates any pedigree, who falsely represents any
31 21 factual matter contained in any pedigree, or who knowingly
31 22 ~~omits fails~~ to record material information required to be
31 23 recorded in a pedigree is guilty of a class "C" felony.

31 24 Sec. 43. Section 161A.4, subsection 1, unnumbered
31 25 paragraph 1, Code 2007, is amended to read as follows:

31 26 The soil conservation division is established within the
31 27 department to perform the functions conferred upon it in this
31 28 ~~chapter and~~ chapters ~~161A through~~ 161C, 161E, 161F, 207, and
31 29 208. The division shall be administered in accordance with
31 30 the policies of the state soil conservation committee, which
31 31 shall advise the division and which shall approve
31 32 administrative rules proposed by the division for the
31 33 administration of this chapter and chapters ~~161A through~~ 161C,
31 34 161E, 161F, 207, and 208 before the rules are adopted pursuant
31 35 to section 17A.5. If a difference exists between the
32 1 committee and secretary regarding the content of a proposed
32 2 rule, the secretary shall notify the chairperson of the
32 3 committee of the difference within thirty days from the
32 4 committee's action on the rule. The secretary and the
32 5 committee shall meet to resolve the difference within thirty
32 6 days after the secretary provides the committee with notice of
32 7 the difference.

32 8 Sec. 44. Section 165.18, subsection 1, paragraphs c and d,
32 9 Code 2007, are amended to read as follows:

32 10 c. The expenses of the inspection and testing program
32 11 provided in chapter 163A, but only to the extent that the
32 12 moneys in the fund are not required for expenses incurred
32 13 under chapter 164 or ~~165~~ this chapter.

32 14 d. Indemnities as provided in section 159.5, subsection
32 15 12, but only to the extent that the moneys in the fund are not
32 16 required to pay expenses under chapter 163A, chapter 164, or
32 17 ~~165 this chapter~~.

32 18 Sec. 45. Section 175.37, subsection 9, paragraph a, Code
32 19 2007, is amended to read as follows:

32 20 a. If the authority determines that the taxpayer is not at
32 21 fault for the termination, the authority shall not issue a tax
32 22 credit certificate to the taxpayer for a subsequent tax year
32 23 based on the approved application. Any prior tax credit is
32 24 allowed as provided in this section. The taxpayer may apply
32 25 for and be issued another tax credit certificate for the same
32 26 agricultural assets as provided in this section for any
32 27 remaining tax years for which a certificate was not issued.

32 28 Sec. 46. Section 191.6, Code 2007, is amended to read as
32 29 follows:

32 30 191.6 STANDARDS FOR OLEOMARGARINE.

32 31 The department may prescribe and establish standards for
32 32 oleo, oleomargarine, or margarine manufactured or sold in this
32 33 state and may adopt the standards set up by now existing
32 34 regulations of the federal security administration or agency
32 35 as found in 1949, Code of Federal Regulations, Title 21, Part
33 1 45, section 45.0, or any amendments thereto. Any standards so
33 2 established shall not be contrary to or inconsistent with the
33 3 provisions of section 190.1, subsection 6, entitled "~~Oleo,~~
33 4 ~~oleomargarine or margarine~~" "Oleomargarine".

33 5 Sec. 47. Section 203.1, subsection 10, paragraph j,
33 6 subparagraph (2), Code 2007, is amended to read as follows:

33 7 (2) The purpose of the limited liability company is to
33 8 produce renewable fuel as defined in section ~~159A.2~~ 214A.1.
33 9 Sec. 48. Section 203.5, Code 2007, is amended to read as
33 10 follows:
33 11 203.5 LICENSE.
33 12 1. Upon the filing of the application and compliance with
33 13 the terms and conditions of this chapter and rules of the
33 14 department, the department shall issue a license to the
33 15 applicant. The license shall terminate at the end of the
33 16 third calendar month following the close of the grain dealer's
33 17 fiscal year. A grain dealer's license may be renewed annually
33 18 by the filing of a renewal fee and a renewal application on a
33 19 form prescribed by the department. An application for renewal
33 20 shall be received by the department on or before the end of
33 21 the third calendar month following the close of the grain
33 22 dealer's fiscal year. A grain dealer license which has
33 23 terminated may be reinstated by the department upon receipt of
33 24 a proper renewal application, the renewal fee, and the
33 25 reinstatement fee as provided in section 203.6 if filed within
33 26 thirty days from the date of termination of the grain dealer
33 27 license. The department may cancel a license upon request of
33 28 the licensee unless a complaint or information is filed
33 29 against the licensee alleging a violation of a provision of
33 30 this chapter. Fees for licenses issued for less than a full
33 31 year shall be prorated from the date of the application.
33 32 2. If an applicant has had a license under this chapter
33 33 ~~203~~ or chapter 203C revoked for cause within the past three
33 34 years, or has been convicted of a felony involving violations
33 35 of this chapter ~~203~~ or chapter 203C, or is owned or controlled
34 1 by a person who has had a license so revoked or who has been
34 2 so convicted, the department may deny a license to the
34 3 applicant.
34 4 3. The department may deny a license to an applicant if
34 5 any of the following apply:
34 6 ~~1-~~ a. The applicant has caused liability to the Iowa grain
34 7 depositors and sellers indemnity fund in regard to a license
34 8 issued under this chapter or chapter 203C, and the liability
34 9 has not been discharged, settled, or satisfied.
34 10 ~~2-~~ b. The applicant is owned or controlled by a person who
34 11 has caused liability to the fund through operations under a
34 12 license issued under this chapter or chapter 203C and the
34 13 liability has not been discharged, settled, or satisfied.
34 14 Sec. 49. Section 203C.6, subsection 7, Code 2007, is
34 15 amended to read as follows:
34 16 7. If an applicant has had a license under chapter 203 or
34 17 ~~203C~~ this chapter revoked for cause within the past three
34 18 years, or has been convicted of a felony involving violations
34 19 of chapter 203 or ~~203C~~ this chapter, or is owned or controlled
34 20 by a person who has had a license so revoked or who has been
34 21 so convicted, the department may deny a license to the
34 22 applicant.
34 23 Sec. 50. Section 214A.9, Code 2007, is amended to read as
34 24 follows:
34 25 214A.9 POSTER SHOWING ANALYSIS.
34 26 Any retail dealer who sells or holds for sale motor fuel,
34 27 as defined in section ~~214A.2~~ hereof 214A.1, may post upon any
34 28 container or pump from which such motor fuel is being sold, a
34 29 statement or notice in form to be prescribed by the
34 30 department, showing the results of the tests of such motor
34 31 fuel then being sold from such pumps or other containers.
34 32 Sec. 51. Section 216A.132, Code 2007, is amended to read
34 33 as follows:
34 34 216A.132 COUNCIL ESTABLISHED == TERMS == COMPENSATION.
34 35 1. A criminal and juvenile justice planning advisory
35 1 council is established consisting of twenty=two members.
35 2 a. The governor shall appoint seven members each for a
35 3 four-year term beginning and ending as provided in section
35 4 69.19 and subject to confirmation by the senate as follows:
35 5 ~~1-~~ (1) Three persons, each of whom is a county supervisor,
35 6 county sheriff, mayor, city chief of police, or county
35 7 attorney.
35 8 ~~2-~~ (2) Two persons who represent the general public and
35 9 are not employed in any law enforcement, judicial, or
35 10 corrections capacity.
35 11 ~~3-~~ (3) Two persons who are knowledgeable about Iowa's
35 12 juvenile justice system.
35 13 b. The departments of human services, corrections, and
35 14 public safety, the division on the status of
35 15 African-Americans, the Iowa department of public health, the
35 16 chairperson of the board of parole, the attorney general, the
35 17 state public defender, and the chief justice of the supreme

35 18 court shall each designate a person to serve on the council.
35 19 The person appointed by the Iowa department of public health
35 20 shall be from the departmental staff who administer the
35 21 comprehensive substance abuse program under chapter 125.

35 22 c. The chief justice of the supreme court shall appoint
35 23 two additional members currently serving as district judges.
35 24 Two members of the senate and two members of the house of
35 25 representatives shall be ex officio members and shall be
35 26 appointed by the majority and minority leaders of the senate
35 27 and the speaker and minority leader of the house of
35 28 representatives pursuant to section 69.16. Members appointed
35 29 pursuant to this paragraph shall serve for four-year terms
35 30 beginning and ending as provided in section 69.19 unless the
35 31 member ceases to serve as a district court judge or as a
35 32 member of the senate or of the house of representatives.

35 33 2. Members of the council shall receive reimbursement from
35 34 the state for actual and necessary expenses incurred in the
35 35 performance of their official duties. Members may also be
36 1 eligible to receive compensation as provided in section 7E.6.
36 2 Sec. 52. Section 216B.3, subsection 16, paragraph b,
36 3 subparagraph (1), unnumbered paragraph 1, Code 2007, is
36 4 amended to read as follows:

36 5 A flexible fund which is ~~either any~~ of the following:
36 6 Sec. 53. Section 229.19, subsection 1, unnumbered
36 7 paragraph 1, Code 2007, is amended to read as follows:

36 8 The district court in each county with a population of
36 9 under three hundred thousand inhabitants and the board of
36 10 supervisors in each county with a population of three hundred
36 11 thousand or more inhabitants shall appoint an individual who
36 12 has demonstrated by prior activities an informed concern for
36 13 the welfare and rehabilitation of persons with mental illness,
36 14 and who is not an officer or employee of the department of
36 15 human services nor of any agency or facility providing care or
36 16 treatment to persons with mental illness, to act as an
36 17 advocate representing the interests of patients involuntarily
36 18 hospitalized by the court, in any matter relating to the
36 19 patients' hospitalization or treatment under section 229.14 or
36 20 229.15. The court or, if the advocate is appointed by the
36 21 county board of supervisors, the board shall assign the
36 22 advocate appointed from a patient's county of legal settlement
36 23 to represent the interests of the patient. If a patient has
36 24 no county of legal settlement, the court or, if the advocate
36 25 is appointed by the county board of supervisors, the board
36 26 shall assign the advocate appointed from the county where the
36 27 hospital or facility is located to represent the interests of
36 28 the patient. The advocate's responsibility with respect to
36 29 any patient shall begin at whatever time the attorney employed
36 30 or appointed to represent that patient as respondent in
36 31 hospitalization proceedings, conducted under sections 229.6 to
36 32 229.13, reports to the court that the attorney's services are
36 33 no longer required and requests the court's approval to
36 34 withdraw as counsel for that patient. However, if the patient
36 35 is found to be seriously mentally impaired at the
37 1 hospitalization hearing, the attorney representing the patient
37 2 shall automatically be relieved of responsibility in the case
37 3 and an advocate shall be assigned to the patient at the
37 4 conclusion of the hearing unless the attorney indicates an
37 5 intent to continue the attorney's services and the court so
37 6 directs. If the court directs the attorney to remain on the
37 7 case, the attorney shall assume all the duties of an advocate.
37 8 The clerk shall furnish the advocate with a copy of the
37 9 court's order approving the withdrawal and shall inform the
37 10 patient of the name of the patient's advocate. With regard to
37 11 each patient whose interests the advocate is required to
37 12 represent pursuant to this section, the advocate's duties
37 13 shall include all of the following:

37 14 Sec. 54. Section 229.19, subsection 1, paragraph c, Code
37 15 2007, is amended to read as follows:

37 16 c. To ~~make the advocate~~ be readily accessible to
37 17 communications from the patient and to originate
37 18 communications with the patient within five days of the
37 19 patient's commitment.

37 20 Sec. 55. Section 235A.15, subsection 2, paragraph c,
37 21 subparagraph (14), Code 2007, is amended to read as follows:

37 22 (14) ~~A~~ To a nursing program that is approved by the state
37 23 board of nursing under section 152.5, if the data relates to a
37 24 record check performed pursuant to section 152.5.

37 25 Sec. 56. Section 249A.12, subsection 8, Code 2007, is
37 26 amended to read as follows:

37 27 8. If a person with mental retardation has no legal
37 28 settlement or the legal settlement is unknown so that the

37 29 person is deemed to be a state case and services associated
37 30 with the mental retardation can be covered under a medical
37 31 assistance home and community-based services waiver or other
37 32 medical assistance program provision, the nonfederal share of
37 33 the medical assistance program costs for such coverage shall
37 34 be paid from the appropriation made for the medical assistance
37 35 program.

38 1 Sec. 57. Section 252D.1, Code 2007, is amended to read as
38 2 follows:

38 3 252D.1 DELINQUENT SUPPORT PAYMENTS.

38 4 If support payments ordered under this chapter or chapter
38 5 232, 234, 252A, 252C, ~~252D~~, 252E, 252F, 598, 600B, or any
38 6 other applicable chapter, or under a comparable statute of a
38 7 foreign jurisdiction, as certified to the child support
38 8 recovery unit established in section 252B.2, are not paid to
38 9 the clerk of the district court or the collection services
38 10 center pursuant to section 598.22 and become delinquent in an
38 11 amount equal to the payment for one month, the child support
38 12 recovery unit may enter an ex parte order or, upon application
38 13 of a person entitled to receive the support payments, the
38 14 district court may enter an ex parte order, notifying the
38 15 person whose income is to be withheld, of the delinquent
38 16 amount, of the amount of income to be withheld, and of the
38 17 procedure to file a motion to quash the order for income
38 18 withholding, and ordering the withholding of specified sums to
38 19 be deducted from the delinquent person's income as defined in
38 20 section 252D.16 sufficient to pay the support obligation and,
38 21 except as provided in section 598.22, requiring the payment of
38 22 such sums to the clerk of the district court or the collection
38 23 services center. Beginning October 1, 1999, all income
38 24 withholding payments shall be paid to the collection services
38 25 center. Notification of income withholding shall be provided
38 26 to the obligor and to the payor of income pursuant to section
38 27 252D.17.

38 28 Sec. 58. Section 256A.2, Code 2007, is amended to read as
38 29 follows:

38 30 256A.2 CHILD DEVELOPMENT COORDINATING COUNCIL ESTABLISHED.

38 31 1. A child development coordinating council is established
38 32 to promote the provision of child development services to
38 33 at-risk ~~three-year~~ three-year-old and four-year-old children.
38 34 The council shall consist of the following members:

38 35 ~~1-~~ a. The administrator of the division of child and
39 1 family services of the department of human services or the
39 2 administrator's designee.
39 3 ~~2-~~ b. The director of the department of education or the
39 4 director's designee.
39 5 ~~3-~~ c. The director of human services or the director's
39 6 designee.
39 7 ~~4-~~ d. The director of the department of public health or
39 8 the director's designee.
39 9 ~~5-~~ e. An early childhood specialist of an area education
39 10 agency selected by the area education agency administrators.
39 11 ~~6-~~ f. The dean of the college of family and consumer
39 12 sciences at Iowa state university of science and technology or
39 13 the dean's designee.
39 14 ~~7-~~ g. The dean of the college of education from the
39 15 university of northern Iowa or the dean's designee.
39 16 ~~8-~~ h. The professor and head of the department of
39 17 pediatrics at the university of Iowa or the professor's
39 18 designee.

39 19 ~~9-~~ i. A resident of this state who is a parent of a child
39 20 who is or has been served by a federal head start program.

39 21 2. Staff assistance for the council shall be provided by
39 22 the department of education. Members of the council shall be
39 23 reimbursed for actual and necessary expenses incurred while
39 24 engaged in their official duties and shall receive per diem
39 25 compensation at the level authorized under section 7E.6,
39 26 subsection 1, paragraph "a".

39 27 Sec. 59. Section 257.6, subsection 1, Code 2007, is
39 28 amended to read as follows:

39 29 1. ACTUAL ENROLLMENT.

39 30 a. Actual enrollment is determined annually on October 1,
39 31 or the first Monday in October if October 1 falls on a
39 32 Saturday or Sunday, and includes all of the following:
39 33 ~~a-~~ (1) Resident pupils who were enrolled in public schools
39 34 within the district in grades kindergarten through twelve and
39 35 including prekindergarten pupils enrolled in special education
40 1 programs.

40 2 ~~b-~~ (2) Full-time equivalent resident pupils of high school
40 3 age for which the district pays tuition to attend an Iowa
40 4 community college.

40 5 ~~e.~~ (3) Shared=time and part=time pupils of school age
40 6 enrolled in public schools within the district, irrespective
40 7 of the districts in which the pupils reside, in the proportion
40 8 that the time for which they are enrolled or receive
40 9 instruction for the school year is to the time that full=time
40 10 pupils carrying a normal course schedule, at the same grade
40 11 level, in the same school district, for the same school year,
40 12 are enrolled and receive instruction. Tuition charges to the
40 13 parent or guardian of a shared=time or part=time nonresident
40 14 pupil shall be reduced by the amount of any increased state
40 15 aid received by the district by the counting of the pupil.

40 16 ~~d.~~ (4) Eleventh and twelfth grade nonresident pupils who
40 17 were residents of the district during the preceding school
40 18 year and are enrolled in the district until the pupils
40 19 graduate. Tuition for those pupils shall not be charged by
40 20 the district in which the pupils are enrolled and the
40 21 requirements of section 282.18 do not apply.

40 22 ~~e.~~ (5) Resident pupils receiving competent private
40 23 instruction from a licensed practitioner provided through a
40 24 public school district pursuant to chapter 299A shall be
40 25 counted as six-tenths of one pupil.

40 26 ~~f.~~ (6) Resident pupils receiving competent private
40 27 instruction under dual enrollment pursuant to chapter 299A
40 28 shall be counted as one-tenth of one pupil.

40 29 b. Pupils attending a university laboratory school are not
40 30 counted in the actual enrollment of a school district, but the
40 31 laboratory school shall report their enrollment directly to
40 32 the department of education.

40 33 c. A school district shall certify its actual enrollment
40 34 to the department of education by October 15 of each year, and
40 35 the department shall promptly forward the information to the

41 1 department of management.
41 2 d. The department of management shall adjust the
41 3 enrollment of the school district for the audit year based
41 4 upon reports filed under section 11.6, and shall further
41 5 adjust the budget of the second year succeeding the audit year
41 6 for the property tax and state aid portions of the reported
41 7 differences in enrollments for the year succeeding the audit
41 8 year.

41 9 Sec. 60. Section 257.40, subsection 1, Code 2007, is
41 10 amended to read as follows:

41 11 1. The board of directors of a school district requesting
41 12 to use modified allowable growth for programs for returning
41 13 dropouts and dropout prevention shall submit requests for
41 14 modified at-risk allowable growth, including budget ~~cost~~
41 15 costs, to the department not later than December 15 of the
41 16 year preceding the budget year during which the program will
41 17 be offered. The department shall review the request and shall
41 18 prior to January 15 either grant approval for the request or
41 19 return the request for approval with comments of the
41 20 department included. An unapproved request for a program may
41 21 be resubmitted with modifications to the department not later
41 22 than February 1. Not later than February 15, the department
41 23 shall notify the department of management and the school
41 24 budget review committee of the names of the school districts
41 25 for which programs using modified allowable growth for funding
41 26 have been approved and the approved budget of each program
41 27 listed separately for each school district having an approved
41 28 request.

41 29 Sec. 61. Section 260C.19A, subsection 2, paragraph a,
41 30 unnumbered paragraph 1, Code 2007, is amended to read as
41 31 follows:

41 32 A flexible fuel which is ~~either any~~ of the following:

41 33 Sec. 62. Section 261C.6, subsection 1, unnumbered
41 34 paragraph 1, Code 2007, is amended to read as follows:

41 35 Not later than June 30 of each year, a school district
42 1 shall pay a tuition reimbursement amount to an eligible
42 2 postsecondary institution that has enrolled its resident
42 3 eligible pupils under this chapter, unless the eligible pupil
42 4 is participating in open enrollment under section 282.18, in
42 5 which case, the tuition reimbursement amount shall be paid by
42 6 the receiving district. However, if a child's residency
42 7 changes during a school year, the tuition shall be paid by the
42 8 district in which the child was enrolled as of the date
42 9 specified in section 257.6, subsection 1, or the district in
42 10 which the child was counted under section 257.6, subsection 1,
42 11 paragraph ~~"f"~~ "a", subparagraph (6). For pupils enrolled at
42 12 the school for the deaf and the Iowa braille and sight saving
42 13 school, the state board of regents shall pay a tuition
42 14 reimbursement amount by June 30 of each year. The amount of
42 15 tuition reimbursement for each separate course shall equal the

42 16 lesser of:
42 17 Sec. 63. Section 262.25A, subsection 3, paragraph a,
42 18 unnumbered paragraph 1, Code 2007, is amended to read as
42 19 follows:
42 20 A flexible fuel which is ~~either~~ any of the following:
42 21 Sec. 64. Section 272.4, Code 2007, is amended to read as
42 22 follows:
42 23 272.4 TERMS OF OFFICE.
42 24 1. Members, except for the director of the department of
42 25 education, shall be appointed to serve staggered terms of four
42 26 years. A member shall not serve more than two consecutive
42 27 terms, except for the director of the department of education,
42 28 who shall serve until the director's term of office expires.
42 29 A member of the board, except for the two public members,
42 30 shall hold a valid practitioner's license during the member's
42 31 term of office. A vacancy exists when any of the following
42 32 occur:
42 33 ~~1- a.~~ A nonpublic member's license expires, is suspended,
42 34 or is revoked.
42 35 ~~2- b.~~ A nonpublic member retires or terminates employment
43 1 as a practitioner.
43 2 ~~3- c.~~ A member dies, resigns, is removed from office, or
43 3 is otherwise physically unable to perform the duties of
43 4 office.
43 5 ~~4- d.~~ A member's term of office expires.
43 6 2. Terms of office for regular appointments shall begin
43 7 and end as provided in section 69.19. Terms of office for
43 8 members appointed to fill vacancies shall begin on the date of
43 9 appointment and end as provided in section 69.19. Members may
43 10 be removed for cause by a state court with competent
43 11 jurisdiction after notice and opportunity for hearing. The
43 12 board may remove a member for three consecutive absences or
43 13 for cause.
43 14 Sec. 65. Section 279.17, Code 2007, is amended to read as
43 15 follows:
43 16 279.17 APPEAL BY TEACHER TO ADJUDICATOR.
43 17 1. If the teacher is no longer a probationary teacher, the
43 18 teacher may, within ten days, appeal the determination of the
43 19 board to an adjudicator by filing a notice of appeal with the
43 20 secretary of the board. The notice of appeal shall contain a
43 21 concise statement of the action which is the subject of the
43 22 appeal, the particular board action appealed from, the grounds
43 23 on which relief is sought and the relief sought.
43 24 2. Within five days following receipt by the secretary of
43 25 the notice of appeal, the board or the board's legal
43 26 representative, if any, and the teacher or the teacher's
43 27 representative, if any, may select an adjudicator who resides
43 28 within the boundaries of the merged area in which the school
43 29 district is located. If an adjudicator cannot be mutually
43 30 agreed upon within the five-day period, the secretary shall
43 31 notify the chairperson of the public employment relations
43 32 board by transmitting the notice of appeal, and the
43 33 chairperson of the public employment relations board shall
43 34 within five days provide a list of five adjudicators to the
43 35 parties. Within three days from receipt of the list of
44 1 adjudicators, the parties shall select an adjudicator by
44 2 alternately removing a name from the list until only one name
44 3 remains. The person whose name remains shall be the
44 4 adjudicator. The parties shall determine by lot which party
44 5 shall remove the first name from the list submitted by the
44 6 chairperson of the public employment relations board. The
44 7 secretary of the board shall inform the chairperson of the
44 8 public employee relations board of the name of the adjudicator
44 9 selected.
44 10 3. If the teacher does not timely request an appeal to an
44 11 adjudicator the decision, opinion, or conclusion of the board
44 12 shall become final and binding.
44 13 Within thirty days after filing the notice of appeal, or
44 14 within further time allowed by the adjudicator, the board
44 15 shall transmit to the adjudicator the original or a certified
44 16 copy of the entire record of the private hearing which may be
44 17 the subject of the petition. By stipulation of the parties to
44 18 review the proceedings, the record of the case may be
44 19 shortened. The adjudicator may require or permit subsequent
44 20 corrections or additions to the shortened record.
44 21 4. The record certified and filed by the board shall be
44 22 the record upon which the appeal shall be heard and no
44 23 additional evidence shall be heard by the adjudicator. In
44 24 such appeal to the adjudicator, especially when considering
44 25 the credibility of witnesses, the adjudicator shall give
44 26 weight to the fact findings of the board; but shall not be

44 27 bound by them.

44 28 5. Before the date set for hearing a petition for review
44 29 of board action, which shall be within ten days after receipt
44 30 of the record unless otherwise agreed or unless the
44 31 adjudicator orders additional evidence be taken before the
44 32 board, application may be made to the adjudicator for leave to
44 33 present evidence in addition to that found in the record of
44 34 the case. If it is shown to the adjudicator that the
44 35 additional evidence is material and that there were good
45 1 reasons for failure to present it in the private hearing
45 2 before the board, the adjudicator may order that the
45 3 additional evidence be taken before the board upon conditions
45 4 determined by the adjudicator. The board may modify its
45 5 findings and decision in the case by reason of the additional
45 6 evidence and shall file that evidence and any modifications,
45 7 new findings, or decisions, with the adjudicator and mail
45 8 copies of the new findings or decisions to the teacher.

45 9 6. The adjudicator may affirm board action or remand to
45 10 the board for further proceedings. The adjudicator shall
45 11 reverse, modify, or grant any appropriate relief from the
45 12 board action if substantial rights of the teacher have been
45 13 prejudiced because the board action is:

45 14 ~~1-~~ a. In violation of a board rule or policy or contract;
45 15 or

45 16 ~~2-~~ b. Unsupported by a preponderance of the competent
45 17 evidence in the record made before the board when that record
45 18 is viewed as a whole; or

45 19 ~~3-~~ c. Unreasonable, arbitrary or capricious or
45 20 characterized by an abuse of discretion or a clearly
45 21 unwarranted exercise of discretion.

45 22 7. The adjudicator shall, within fifteen days after the
45 23 hearing, make a decision and shall give a copy of the decision
45 24 to the teacher and the secretary of the board. The decision
45 25 of the adjudicator shall become the final and binding decision
45 26 of the board unless either party within ten days notifies the
45 27 secretary of the board that the decision is rejected. The
45 28 board may reject the decision by majority vote, by roll call,
45 29 in open meeting and entered into the minutes of the meeting.
45 30 The board shall immediately notify the teacher of its decision
45 31 by certified mail. The teacher may reject the adjudicator's
45 32 decision by notifying the board's secretary in writing within
45 33 ten days of the filing of such decision.

45 34 8. All costs of the adjudicator shall be shared equally by
45 35 the teacher and the board.

46 1 Sec. 66. Section 282.31, subsection 1, paragraph b,
46 2 unnumbered paragraph 2, Code 2007, is amended to read as
46 3 follows:

46 4 However, on June 30 of a school year, if the board of
46 5 directors of a school district determines that the number of
46 6 children under this paragraph who were counted in the basic
46 7 enrollment of the school district ~~of in~~ that school year in
46 8 accordance with section 257.6, subsection 1, is fewer than the
46 9 sum of the number of months all children were enrolled in the
46 10 school district under this paragraph during the school year
46 11 divided by nine, the secretary of the school district may
46 12 submit a claim to the department of education by August 1
46 13 following the school year for an amount equal to the district
46 14 cost per pupil of the district for the previous school year
46 15 multiplied by the difference between the number of children
46 16 counted and the number of children calculated by the number of
46 17 months of enrollment. The amount of the claim shall be paid
46 18 by the department of administrative services to the school
46 19 district by October 1. The department of administrative
46 20 services shall transfer the total amount of the approved claim
46 21 of a school district from the moneys appropriated under
46 22 section 257.16 and the amount paid shall be deducted monthly
46 23 from the state foundation aid paid to all school districts in
46 24 the state during the remainder of the subsequent fiscal year
46 25 in the manner provided in paragraph "a".

46 26 Sec. 67. Section 299A.8, Code 2007, is amended to read as
46 27 follows:

46 28 299A.8 DUAL ENROLLMENT.

46 29 If a parent, guardian, or legal custodian of a child who is
46 30 receiving competent private instruction under this chapter or
46 31 a child over compulsory age who is receiving private
46 32 instruction submits a request, the child shall also be
46 33 registered in a public school for dual enrollment purposes.
46 34 If the child is enrolled in a public school district for dual
46 35 enrollment purposes, the child shall be permitted to
47 1 participate in any academic activities in the district and
47 2 shall also be permitted to participate on the same basis as

47 3 public school children in any extracurricular activities
47 4 available to children in the child's grade or group, and the
47 5 parent, guardian, or legal custodian shall not be required to
47 6 pay the costs of any annual evaluation under this chapter. If
47 7 the child is enrolled for dual enrollment purposes, the child
47 8 shall be included in the public school's basic enrollment
47 9 under section 257.6. A pupil who is participating only in
47 10 extracurricular activities shall be counted under section
47 11 257.6, subsection 1, paragraph ~~"f"~~ "a", subparagraph (6). A
47 12 pupil enrolled in grades nine through twelve under this
47 13 section shall be counted in the same manner as a shared-time
47 14 pupil under section 257.6, subsection 1, paragraph ~~"e"~~ "a",
47 15 subparagraph (3).

47 16 Sec. 68. Section 307.21, subsection 5, paragraph a,
47 17 unnumbered paragraph 1, Code 2007, is amended to read as
47 18 follows:

47 19 A flexible fuel which is ~~either~~ any of the following:

47 20 Sec. 69. Section 321G.13, subsection 1, paragraph g,
47 21 unnumbered paragraph 2, Code 2007, is amended to read as
47 22 follows:

47 23 This paragraph "g" does not prohibit the use of ford
47 24 crossings of public or private roads or any other ford
47 25 crossing when used for agricultural purposes; the operation of
47 26 construction vehicles engaged in lawful construction, repair,
47 27 or maintenance in a streambed; or the operation of snowmobiles
47 28 on ice.

47 29 Sec. 70. Section 327C.5, unnumbered paragraph 1, Code
47 30 2007, is amended to read as follows:

47 31 Violations of the provisions of this chapter and chapters
47 32 327D ~~to through~~ 327G shall be punished as a schedule "one"
47 33 penalty unless otherwise indicated. Violations of a
47 34 continuing nature shall constitute a separate offense for each
47 35 violation unless otherwise provided. The schedule of
48 1 violations shall be:

48 2 Sec. 71. Section 356.37, Code 2007, is amended to read as
48 3 follows:

48 4 356.37 CONFINEMENT AND DETENTION REPORT == DESIGN
48 5 PROPOSALS.

48 6 The division of criminal and juvenile justice planning of
48 7 the department of human rights, in consultation with the
48 8 department of corrections, the Iowa county attorneys
48 9 association, the Iowa state sheriff's association, the Iowa
48 10 association of chiefs of police and peace officers, a
48 11 statewide organization representing rural property taxpayers,
48 12 the Iowa league of cities, and the Iowa board of supervisors
48 13 association, shall prepare a report analyzing the confinement
48 14 and detention needs of jails and facilities established
48 15 pursuant to ~~chapters 356 and this chapter and chapter 356A~~.
48 16 The report for each type of jail or facility shall include but
48 17 is not limited to an inventory of prisoner space, daily
48 18 prisoner counts, options for detention of prisoners with
48 19 mental illness or substance abuse service needs, and the
48 20 compliance status under section 356.36 for each jail or
48 21 facility. The report shall contain an inventory of recent
48 22 jail or facility construction projects in which voters have
48 23 approved the issuance of general obligation bonds, essential
48 24 county purpose bonds, revenue bonds, or bonds issued pursuant
48 25 to chapter 423B. The report shall be revised periodically as
48 26 directed by the administrator of the division of criminal and
48 27 juvenile justice planning. The first submission of the report
48 28 shall include recommendations on offender data needed to
48 29 estimate jail space needs in the next two, three, and five
48 30 years, on a county, geographic region, and statewide basis,
48 31 which may be based upon information submitted pursuant to
48 32 section 356.49.

48 33 Sec. 72. Section 384.4, subsection 2, Code 2007, is
48 34 amended to read as follows:

48 35 2. Interest as it becomes due and the amount necessary to
49 1 pay, or to create a sinking fund to pay, the principal at
49 2 maturity of all general obligation bonds issued by the city or
49 3 to pay, or to create a sinking fund to pay, amounts as due on
49 4 loans received through the former Iowa community development
49 5 loan program pursuant to section 15E.120.

49 6 Sec. 73. Section 384.94, Code 2007, is amended to read as
49 7 follows:

49 8 384.94 PRIOR PROJECTS PRESERVED.

49 9 Projects and proceedings for the issuance of revenue bonds,
49 10 pledge orders, and other temporary obligations commenced
49 11 before the effective date of the city code may be consummated
49 12 and completed as required or permitted by any statute or other
49 13 law amended or repealed by ~~646A~~ 1972 Iowa Acts, chapter 1088,

49 14 as though such repeal or amendment had not occurred, and the
49 15 rights, duties, and interests flowing from such projects and
49 16 proceedings remain valid and enforceable. Without limiting
49 17 the foregoing, projects commenced prior to said effective date
49 18 may be financed by the issuance of revenue bonds, pledge
49 19 orders, and other temporary obligations under any such amended
49 20 or repealed law or by the issuance of revenue bonds and pledge
49 21 orders under the city code. For purposes of this section,
49 22 commencement of a project includes, but is not limited to,
49 23 action taken by the governing body or authorized officer to
49 24 fix a date for either a hearing or an election in connection
49 25 with any part of the project, and commencement of proceedings
49 26 for the issuance of revenue bonds, pledge orders, and other
49 27 temporary obligations includes, but is not limited to, action
49 28 taken by the governing body to fix a date for either a hearing
49 29 or a sale in connection with any part of such revenue bonds,
49 30 pledge orders, or other temporary obligations or to order any
49 31 part thereof to be issued.

49 32 Sec. 74. Section 423.3, subsection 56, Code 2007, is
49 33 amended to read as follows:

49 34 56. The sales price from the sale of motor fuel and
49 35 special fuel consumed for highway use or in watercraft or
50 1 aircraft where the fuel tax has been imposed and paid and no
50 2 refund has been or will be allowed and the sales price from
50 3 the sales of ethanol blended gasoline, as defined in section
50 4 ~~452A.2~~ 214A.1.

50 5 Sec. 75. Section 423.3, subsection 57, paragraph f,
50 6 subparagraph (3), subparagraph subdivision (b), Code 2007, is
50 7 amended to read as follows:

50 8 (b) Eggs, fish, meat, poultry, and foods containing these
50 9 raw animal foods requiring cooking by the consumer as
50 10 recommended by the United States food and drug administration
50 11 ~~in chapter, ch.~~ 3, part 401.11 of its food code, so as to
50 12 prevent foodborne illnesses.

50 13 Sec. 76. Section 423.9A, subsection 3, paragraph b, Code
50 14 2007, is amended to read as follows:

50 15 b. Three members representing small Iowa businesses, at
50 16 least one of whom ~~must~~ shall be a retailer, and at least one
50 17 of whom shall be a supplier.

50 18 Sec. 77. Section 446.17, Code 2007, is amended to read as
50 19 follows:

50 20 446.17 SALE CONTINUED.

50 21 The county treasurer shall continue the sale from day to
50 22 day as long as there are bidders or until all delinquent
50 23 parcels have been offered for sale.

50 24 If notice of annual tax sale has been published under
50 25 section 446.9, ~~as it appeared in the 1991~~ Code 1991, the
50 26 notice is valid and further notice is not required for an
50 27 adjourned sale held under this section, unless it is a public
50 28 bidder sale.

50 29 Sec. 78. Section 452A.31, subsection 6, paragraph b, Code
50 30 2007, is amended to read as follows:

50 31 b. The aggregate per gallon distribution percentage ~~which~~
50 32 is the aggregate ethanol blended gasoline gallonage expressed
50 33 as a percentage of the aggregate gasoline gallonage calculated
50 34 for a twelve-month period beginning January 1 and ending
50 35 December 31.

51 1 Sec. 79. Section 455B.197, Code 2007, is amended to read
51 2 as follows:

51 3 455B.197 NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
51 4 PERMITS.

51 5 The department may issue a permit related to the
51 6 administration of the national pollutant discharge elimination
51 7 system (NPDES) permit program pursuant to the federal Water
51 8 Pollution Control Act, 33 U.S.C. ch. 26, as amended, and 40
51 9 C.F.R. pt. 124 including but not limited to storm water
51 10 discharge permits issued pursuant to section 455B.103A. The
51 11 department may provide for the receipt of applications and the
51 12 issuance of permits as provided by rules adopted by the
51 13 department which are consistent with this section. The
51 14 department shall assess and collect fees for the processing of
51 15 applications and the issuance of permits as provided in this
51 16 section. The department shall deposit the fees into the
51 17 national pollutant discharge elimination system permit fund
51 18 created in section 455B.196. The fees shall be established as
51 19 follows:

51 20 1. For a permit for the discharge from mining and
51 21 processing facilities, NPDES general permit no. 5, the
51 22 following fee schedule shall apply:

51 23 a. An annual permit, one hundred twenty-five dollars each
51 24 year.

51 25 b. For a multiyear permit, all of the following shall
51 26 apply:
51 27 (1) A three-year permit, three hundred dollars.
51 28 (2) A four-year permit, four hundred dollars.
51 29 (3) A five-year permit, five hundred dollars.
51 30 2. For coverage under ~~the national pollutant discharge~~
51 31 ~~elimination system (NPDES)~~ NPDES individual permits for storm
51 32 water, for a construction permit, an application fee of one
51 33 hundred dollars.
51 34 3. For coverage under ~~the national pollutant discharge~~
51 35 ~~elimination system (NPDES)~~ NPDES individual permits for
52 1 nonstorm water, the following annual fees apply:
52 2 a. For a major municipal facility, one thousand two
52 3 hundred seventy-five dollars.
52 4 b. For a minor municipal facility, two hundred ten
52 5 dollars.
52 6 c. For a semipublic facility, three hundred forty dollars.
52 7 d. For a facility that holds an operation permit, with no
52 8 wastewater discharge into surface waters, one hundred seventy
52 9 dollars.
52 10 e. For a municipal water treatment facility, a fee shall
52 11 not be charged.
52 12 f. For a major industrial facility, three thousand four
52 13 hundred dollars.
52 14 g. For a minor industrial facility, three hundred dollars.
52 15 h. For an open feedlot operation as provided in chapter
52 16 459A, an annual fee of three hundred forty dollars.
52 17 i. For a new facility that has not been issued a current
52 18 nonstorm water NPDES permit, a prorated amount which shall be
52 19 calculated by taking the annual fee amount multiplied by the
52 20 number of months remaining before the next annual fee due date
52 21 divided by twelve.
52 22 j. For a facility covered under an existing nonstorm water
52 23 NPDES permit, a prorated amount which shall be calculated by
52 24 taking the annual fee amount multiplied by the number of
52 25 months remaining before the next annual fee due date divided
52 26 by twelve.
52 27 k. For a nonstorm water permit as provided in this
52 28 subsection, a single application fee of eighty-five dollars.
52 29 Sec. 80. Section 455G.31, subsection 2, Code 2007, is
52 30 amended to read as follows:
52 31 2. A retail dealer may use gasoline storage and dispensing
52 32 infrastructure to store and dispense E=85 gasoline if all of
52 33 the following apply:
52 34 a. For gasoline storage and dispensing infrastructure
52 35 other than the dispenser, the department of natural resources
53 1 under this chapter or the state fire marshal under chapter 101
53 2 must determine that it is compatible with E=85 gasoline.
53 3 b. For a dispenser, the manufacturer must ~~state all of~~
53 4 provide a written statement that includes the following:
53 5 (1) That the dispenser is, in the opinion of the
53 6 manufacturer, not incompatible with E=85 gasoline.
53 7 (2) ~~The That the~~ manufacturer has initiated the process of
53 8 applying to an independent testing laboratory for listing of
53 9 the equipment for use in dispensing E=85 gasoline.
53 10 c. A manufacturer's statement under paragraph "b", must
53 11 also include a written statement, with reference to a
53 12 information regarding the particular type and model of
53 13 equipment for use in dispensing E=85 gasoline, be signed by a
53 14 responsible official on behalf of the manufacturer, and be
53 15 provided either to the retail dealer using the gasoline
53 16 storage and dispensing infrastructure or to the department of
53 17 natural resources or the state fire marshal. If the written
53 18 statement is provided to a retail dealer, the statement shall
53 19 be retained in the files on the premises of the retail dealer
53 20 and shall be available to personnel of the department of
53 21 natural resources or the state fire marshal upon request.
53 22 Sec. 81. Section 456A.33B, subsection 2, paragraph a, Code
53 23 2007, is amended to read as follows:
53 24 a. The department shall develop an initial list of not
53 25 more than thirty-five significant public lakes to be
53 26 considered for funding based on the feasibility of restoring
53 27 each lake for restoration and the use or potential use of the
53 28 lake, if restored. The list shall include lake projects under
53 29 active development that the department shall recommend be
53 30 given priority for funding so long as progress toward
53 31 completion of the projects remains consistent with the goals
53 32 of this section.
53 33 Sec. 82. Section 456A.33B, subsection 2, paragraph c,
53 34 subparagraph (4), subparagraph subdivision (d), Code 2007, is
53 35 amended to read as follows:

54 1 (d) Sustainability. The water quality benefits ~~of~~ from
54 2 the restoration efforts will be sustained for at least fifty
54 3 years.

54 4 Sec. 83. Section 460.304, subsection 2, paragraph a,
54 5 unnumbered paragraph 1, Code 2007, is amended to read as
54 6 follows:

54 7 Provide cost-share moneys to persons closing agricultural
54 8 drainage wells in accordance with the priority system
54 9 established pursuant to section 460.302. In conjunction with
54 10 closing agricultural drainage wells, the division shall award
54 11 cost-share moneys to carry out the following projects:

54 12 Sec. 84. Section 461C.1, Code 2007, is amended to read as
54 13 follows:

54 14 461C.1 PURPOSE.

54 15 The purpose of this chapter is to encourage private owners
54 16 of land to make land and water areas available to the public
54 17 for recreational purposes and for urban deer control by
54 18 limiting ~~their~~ an owner's liability toward persons entering
54 19 ~~thereon onto the owner's property~~ for such purposes.

54 20 Sec. 85. Section 499B.6, Code 2007, is amended to read as
54 21 follows:

54 22 499B.6 COPY OF THE FLOOR PLANS TO BE FILED.

54 23 There shall be attached to the declaration, at the time it
54 24 is filed, a full and an exact copy of the plans of the
54 25 building, which copy shall be entered of record along with the
54 26 declaration. The plans shall show graphically all particulars
54 27 of the building including, but not limited to, the dimensions,
54 28 area and location of common elements affording access to each
54 29 apartment. Other common elements, both limited and general,
54 30 shall be shown graphically insofar as possible and shall be
54 31 certified to by an engineer, architect, or land surveyor,
54 32 ~~either of which~~ who is registered or licensed to practice that
54 33 profession in this state.

54 34 Sec. 86. Section 514.1, unnumbered paragraph 2, Code 2007,
54 35 is amended to read as follows:

55 1 For the purposes of this chapter, "subscriber" means an
55 2 individual who enters into a contract for health care services
55 3 with a corporation subject to this chapter and includes a
55 4 person eligible for medical assistance or additional medical
55 5 assistance as defined under chapter 249A, with respect to whom
55 6 the department of human services has entered into a contract
55 7 with a firm operating under this chapter ~~514~~. For purposes of
55 8 this chapter, "provider" means a person as defined in section
55 9 4.1, subsection 20, which is licensed or authorized in this
55 10 state to furnish health care services. "Health care" means
55 11 that care necessary for the purpose of preventing,
55 12 alleviating, curing, or healing human physical or mental
55 13 illness, injury, or disability.

55 14 Sec. 87. Section 514.19, Code 2007, is amended to read as
55 15 follows:

55 16 514.19 COMBINED SERVICE CORPORATIONS.

55 17 A corporation subject to this chapter may combine with any
55 18 other corporation subject to this chapter as permitted under
55 19 chapter 504 and upon the approval by the commissioner of
55 20 insurance. Each corporation shall comply with chapter 504,
55 21 the corporation's articles of incorporation, and the
55 22 corporation's bylaws. The combined service corporation shall
55 23 continue the service benefits previously provided by each
55 24 corporation and may, subject to the approval of the
55 25 commissioner of insurance, offer other service benefits not
55 26 previously provided by the corporations before combining,
55 27 which are permitted under this chapter ~~514~~.

55 28 Sec. 88. Section 515.102, Code 2007, is amended to read as
55 29 follows:

55 30 515.102 CONDITIONS INVALIDATING POLICY.

55 31 Any condition or stipulation referring to any of the
55 32 following shall not be changed or affected by the provisions
55 33 of section 515.101:

- 55 34 1. To any other insurance, valid or invalid, ~~or,~~
- 55 35 2. To vacancy of the insured premises, ~~or,~~
- 56 1 3. To the title or ownership of the property insured, ~~or,~~
- 56 2 4. To lien, or encumbrances thereon created by voluntary
56 3 act of the insured and within the insured's control, ~~or,~~
- 56 4 5. To the suspension or forfeiture of the policy during
56 5 default or failure to pay any written obligation given to the
56 6 insurance company for the premium, ~~or,~~
- 56 7 6. To the assignment or transfer of such policy of
56 8 insurance before loss without the consent of the insurance
56 9 company, ~~or,~~
- 56 10 7. To the removal of the property insured, ~~or,~~
- 56 11 8. To a change in the occupancy or use of the property

56 12 insured, if such change or use makes the risk more hazardous-
~~56 13 or.~~

56 14 9. To the fraud of the insured in the procurement of the
56 15 contract of insurance ~~== shall not be changed or affected by~~
~~56 16 the provision of section 515.101.~~

56 17 Sec. 89. Section 515A.6, subsection 1, paragraph a,
56 18 unnumbered paragraph 1, Code 2007, is amended to read as
56 19 follows:

56 20 A corporation, an unincorporated association, a
56 21 partnership, or an individual, whether located within or
56 22 outside this state, may make application to the commissioner
56 23 for a license as a rating organization for such kinds of
56 24 insurance, or subdivision or class of risk or a part or
56 25 combination thereof as are specified in its application and
56 26 shall file with the application all of the following:

56 27 Sec. 90. Section 515A.9, Code 2007, is amended to read as
56 28 follows:

56 29 515A.9 INFORMATION TO BE FURNISHED INSUREDS == HEARINGS
56 30 AND APPEALS OF INSUREDS.

56 31 Every rating organization and every insurer which makes its
56 32 own rate shall, within a reasonable time after receiving
56 33 written request therefor and upon payment of such reasonable
56 34 charge as it may make, furnish to any insured affected by a
56 35 rate made by it, or to the authorized representative of such
57 1 insured, all pertinent information as to such rate. Every
57 2 rating organization and every insurer which makes its own
57 3 rates shall provide within this state reasonable means whereby
57 4 any person aggrieved by the application of its rating system
57 5 may be heard, in person or by the person's authorized
57 6 representative, on the person's written request to review the
57 7 manner in which such rating system has been applied in
57 8 connection with the insurance afforded the person. Such
57 9 review of the manner in which a rating system has been applied
57 10 is not a contested case under chapter 17A. If the rating
57 11 organization or insurer fails to grant or reject such request
57 12 within thirty days after it is made, the applicant may proceed
57 13 in the same manner as if the application had been rejected.
57 14 Any party affected by the action of such rating organization
57 15 or such insurer on such request may, within thirty days after
57 16 written notice of such action, appeal to the commissioner,
57 17 who, after a hearing held upon not less than ten days' written
57 18 notice to the appellant and to such rating organization or
57 19 insurer, may affirm or reverse such action. Such appeal to
57 20 the commissioner of the manner in which a rating system has
57 21 been applied is not a contested case under chapter 17A.

57 22 Sec. 91. Section 521.1, subsection 4, Code 2007, is
57 23 amended to read as follows:

57 24 4. "Company" ~~when used in this chapter~~ means a company or
57 25 association organized under chapter 508, 511, 515, 518, 518A,
57 26 or 520, and includes a mutual insurance holding company
57 27 organized pursuant to section 521A.14.

57 28 Sec. 92. Section 521.6, Code 2007, is amended to read as
57 29 follows:

57 30 521.6 EXAMINATION.

57 31 The commission may examine the affairs and condition of any
57 32 company as it deems proper, ~~and, The commission shall have~~
57 33 the power to summon and compel the attendance and testimony of
57 34 witnesses, ~~and, The commission shall have the power to compel~~
57 35 the production of books and papers before the commission, ~~and~~
58 1 may administer oaths.

58 2 Sec. 93. Section 524.1601, subsection 1, unnumbered
58 3 paragraph 1, Code 2007, is amended to read as follows:

58 4 A director, officer, or employee of a state bank or bank
58 5 holding company who willfully violates any of the provisions
58 6 of subsection 4 of section 524.612, section 524.613,
58 7 subsection 2 of section 524.706, insofar as such subsection
58 8 incorporates subsection 4 of section 524.612, or section
58 9 524.710, shall be guilty of a serious misdemeanor, ~~plus and,~~
58 10 in the following circumstances, shall pay an additional fine
58 11 or fines equal to:

58 12 Sec. 94. Section 533D.6, subsection 1, Code 2007, is
58 13 amended to read as follows:

58 14 1. The prior written approval of the superintendent is
58 15 required for the continued operation of a delayed deposit
58 16 services business whenever a change in control of a licensee
58 17 is proposed. The person requesting such approval shall pay to
58 18 the superintendent a fee of one hundred dollars. Control in
58 19 the case of a corporation means direct or indirect ownership
58 20 of, or the right to control, ten percent or more of the voting
58 21 shares of the corporation, or the ability of a person to elect
58 22 a majority of the directors or otherwise effect a change in

58 23 policy. Control in the case of any other entity means any
58 24 change in the principals of the organization, whether active
58 25 or passive. The superintendent may require information deemed
58 26 necessary to determine whether a new application is required.
58 27 Costs incurred by the superintendent in investigating a change
58 28 of control request shall be paid by the person requesting such
58 29 approval.

58 30 Sec. 95. Section 535B.4, subsection 7, Code 2007, is
58 31 amended to read as follows:

58 32 7. Applications for renewals of licenses and individual
58 33 registrations under this chapter must be filed with the
58 34 administrator before June 1 of the year of expiration on forms
58 35 prescribed by the administrator. A renewal application must
59 1 be accompanied by a fee of two hundred dollars for a license
59 2 to transact business solely as a mortgage broker, and four
59 3 hundred dollars for a license to transact business as a
59 4 mortgage banker. The fee to renew an individual registration
59 5 shall be the fee determined pursuant to ~~2005 Iowa Acts, ch.~~
~~59 6 83, section 6 535B.4A.~~ The administrator may assess a late
59 7 fee of ten dollars per day for applications or registrations
59 8 accepted for processing after June 1.

59 9 Sec. 96. Section 535B.17, Code 2007, is amended to read as
59 10 follows:

59 11 535B.17 POWERS AND DUTIES OF THE ADMINISTRATOR == WAIVER
59 12 AUTHORITY.

59 13 In addition to any other duties imposed upon the
59 14 administrator by law, the administrator may participate in a
59 15 multistate automated licensing system for mortgage bankers,
59 16 mortgage brokers, and individual registrants. For this
59 17 purpose, the administrator may establish by rule or order new
59 18 requirements as necessary, including but not limited to
59 19 requirements that license applicants and individual
59 20 registrants submit to fingerprinting, and criminal history
59 21 checks, and pay fees therefor.

59 22 Sec. 97. Section 536.13, subsection 1, unnumbered
59 23 paragraph 1, Code 2007, is amended to read as follows:

59 24 The superintendent may investigate the conditions and find
59 25 the facts with reference to the business of making regulated
59 26 loans, as described in section 536.1 and after making the
59 27 investigation, report in writing ~~its~~ any findings to the next
59 28 regular session of the general assembly, and upon the basis of
59 29 the facts:

59 30 Sec. 98. Section 537.6203, subsection 5, Code 2007, is
59 31 amended to read as follows:

59 32 5. Moneys collected under this section shall be deposited
59 33 in a consumer credit administration fund in the state treasury
59 34 and shall be used for the administration of this chapter ~~537~~.
59 35 The moneys are subject to warrant upon certification of the
60 1 administrator and are appropriated for these purposes.
60 2 Notwithstanding section 8.33, the moneys in the fund do not
60 3 revert at the end of a fiscal period.

60 4 Sec. 99. Section 558.70, subsection 4, Code 2007, is
60 5 amended to read as follows:

60 6 4. This section applies to a contract seller who entered
60 7 into four or more residential real estate contracts in the
60 8 three hundred sixty-five days previous to the contract seller
60 9 signing the contract disclosure statement. For purposes of
60 10 this subsection, two or more entities sharing a common owner
60 11 or manager are considered a single contract seller. This
60 12 section does not apply to ~~an~~ a person or organization listed
60 13 in section 535B.2, subsections 1 through 7.

60 14 Sec. 100. Section 579B.1, subsection 4, Code 2007, is
60 15 amended to read as follows:

60 16 4. "Contract livestock facility" means an animal feeding
60 17 operation as defined in section 459.102, in which livestock or
60 18 raw milk is produced according to a production contract
60 19 executed pursuant to section 579B.2 by a contract producer who
60 20 owns or leases the animal feeding operation. "Contract
60 21 livestock facility" includes a confinement feeding operation
60 22 as defined in section 459.102, an open feedlot as defined in
~~60 23 section 459A.102,~~ or an area which is used for the raising of
60 24 crops or other vegetation and upon which livestock is fed for
60 25 slaughter or is allowed to graze or feed.

60 26 Sec. 101. Section 579B.1, subsection 12, Code 2007, is
60 27 amended by striking the subsection.

60 28 Sec. 102. Section 602.9116, subsection 1, Code 2007, is
60 29 amended to read as follows:

60 30 1. The court administrator shall cause an actuarial
60 31 valuation to be made of the assets and liabilities of the
60 32 judicial retirement fund at least once every four years
60 33 commencing with the fiscal year beginning July 1, 1981. For

60 34 each fiscal year in which an actuarial valuation is not
60 35 conducted, the court administrator shall cause an annual
61 1 actuarial update to be prepared for the purpose of determining
61 2 the adequacy of the contribution rates specified in section
61 3 602.9104. The court administrator shall adopt mortality
61 4 tables and other necessary factors for use in the actuarial
61 5 calculations required for the valuation upon the
61 6 recommendation of the actuary. Following the actuarial
61 7 valuation or annual actuarial update, the court administrator
61 8 shall determine the condition of the system and shall report
61 9 ~~its~~ any findings and recommendations to the general assembly.

61 10 Sec. 103. Section 614.24, unnumbered paragraph 1, Code
61 11 2007, is amended to read as follows:

61 12 No action based upon any claim arising or existing by
61 13 reason of the provisions of any deed or conveyance or contract
61 14 or will reserving or providing for any reversion, reverted
61 15 interests or use restrictions in and to the land therein
61 16 described shall be maintained either at law or in equity in
61 17 any court to recover real estate in this state or to recover
61 18 or establish any interest therein or claim thereto, legal or
61 19 equitable, against the holder of the record title to such real
61 20 estate in possession after twenty-one years from the recording
61 21 of such deed of conveyance or contract or after twenty-one
61 22 years from the admission of said will to probate unless the
61 23 claimant shall, personally, or by the claimant's attorney or
61 24 agent, or if the claimant is a minor or under legal
61 25 disability, by the claimant's guardian, trustee, or either
61 26 parent or next friend, ~~shall~~ file a verified claim with the
61 27 recorder of the county wherein said real estate is located
61 28 within said twenty-one year period. In the event said deed
61 29 was recorded or will was admitted to probate more than twenty
61 30 years prior to July 4, 1965, then said claim may be filed on
61 31 or before one year after July 4, 1965. Such claims shall set
61 32 forth the nature thereof, also the time and manner in which
61 33 such interest was acquired. For the purposes of this section,
61 34 the claimant shall be any person or persons claiming any
61 35 interest in and to said land or in and to such reversion,
62 1 reverter interest or use restriction, whether the same is a
62 2 present interest or an interest which would come into
62 3 existence if the happening or contingency provided in said
62 4 deed or will were to happen at once. Said claimant further
62 5 shall include any member of a class of persons entitled to or
62 6 claiming such rights or interests.

62 7 Sec. 104. Section 680.8, Code 2007, is amended to read as
62 8 follows:

62 9 680.8 NONAPPLICABILITY.

62 10 The provisions of section 680.7 shall not apply to the
62 11 receivership of state banks, as defined in section 524.105,
62 12 trust companies, or private banks, ~~and~~. In addition, in the
62 13 receivership of such state banks and trust companies, or
62 14 private banks, no ~~such~~ preference or priority shall be allowed
62 15 as is provided in ~~the~~ section 680.7 except for labor or wage
62 16 claims as provided by statute.

62 17 Sec. 105. Section 692.8A, subsection 4, Code 2007, is
62 18 amended to read as follows:

62 19 4. An intelligence assessment and intelligence data shall
62 20 be deemed a confidential record of the department under
62 21 section 22.7, subsection 55, except as otherwise provided in
62 22 this subsection. This section shall not be construed to
62 23 prohibit the dissemination of an intelligence assessment to
62 24 any agency or organization if necessary for carrying out the
62 25 official duties of the agency or organization, or to a person
62 26 if disseminated for an official purpose, and to a person if
62 27 necessary to protect a person or property from a threat of
62 28 imminent serious harm. This section shall also not be
62 29 construed to prohibit the department from disseminating a
62 30 public health and safety threat advisory or alert by press
62 31 release or other method ~~or~~ of public communication.

62 32 Sec. 106. Section 815.11, Code 2007, is amended to read as
62 33 follows:

62 34 815.11 APPROPRIATIONS FOR INDIGENT DEFENSE == FUND
62 35 CREATED.

63 1 Costs incurred under chapter 229A, 665, 822, or 908, or
63 2 section 232.141, subsection 3, paragraph "d", or section
63 3 598.23A, 600A.6B, 814.9, 814.10, 814.11, 815.4, 815.7, or
63 4 815.10 on behalf of an indigent shall be paid from moneys
63 5 appropriated by the general assembly to the office of the
63 6 state public defender in the department of inspections and
63 7 appeals and deposited in an account to be known as the
63 8 indigent defense fund. Costs incurred representing an
63 9 indigent defendant in a contempt action, or representing an

63 10 indigent juvenile in a juvenile court proceeding under chapter
63 11 600, are also payable from the fund. However, costs incurred
63 12 in any administrative proceeding or in any other proceeding
63 13 under this chapter or chapter 598, 600, 600A, 633, 633A, 814,
63 14 ~~815~~, or 915 or other provisions of the Code or administrative
63 15 rules are not payable from the fund.

63 16 Sec. 107. Section 904.312A, subsection 2, paragraph a,
63 17 unnumbered paragraph 1, Code 2007, is amended to read as
63 18 follows:

63 19 A flexible fund which is ~~either any~~ of the following:

63 20 Sec. 108. Section 910.10, subsection 3, unnumbered
63 21 paragraph 1, Code 2007, is amended to read as follows:

63 22 A restitution lien may be filed by ~~either any~~ of the
63 23 following:

63 24 Sec. 109. Section 910.15, subsection 2, paragraph d,
63 25 subparagraph (2), Code 2007, is amended to read as follows:

63 26 (2) It is more probable than not that there are victims
63 27 who may recover a money judgment against the felon for
63 28 physical, mental, or emotional injury or pecuniary loss
63 29 proximately caused by the convicted felon as a result of the
63 30 felony for which the felon was convicted or there is an unpaid
63 31 order of restitution under this chapter ~~910~~ against the
63 32 convicted felon for the felony for which the felon was
63 33 convicted.

63 34 Sec. 110. Section 910.15, subsection 5, Code 2007, is
63 35 amended to read as follows:

64 1 5. PAYMENT OF ESCROW FUNDS TO VICTIMS. The remaining
64 2 proceeds in escrow may be levied upon to satisfy an order for
64 3 restitution under this chapter ~~910~~ or a money judgment entered
64 4 against the convicted felon, by a court of competent
64 5 jurisdiction, for physical, mental, or emotional injury, or
64 6 pecuniary loss proximately caused by the convicted felon as a
64 7 result of the felony for which the felon was convicted.

64 8 Sec. 111. Section 915.94, Code 2007, is amended to read as
64 9 follows:

64 10 915.94 VICTIM COMPENSATION FUND.

64 11 A victim compensation fund is established as a separate
64 12 fund in the state treasury. Moneys deposited in the fund
64 13 shall be administered by the department and dedicated to and
64 14 used for the purposes of section 915.41 and this subchapter.
64 15 In addition, the department may use moneys from the fund for
64 16 the purpose of the department's prosecutor-based victim
64 17 service coordination, including the duties defined in sections
64 18 910.3 and 910.6 and this chapter, and for the award of funds
64 19 to programs that provide services and support to victims of
64 20 domestic abuse or sexual assault as provided in chapter 236,
64 21 and to victims ~~of under~~ section 710A.2. The department may
64 22 also use up to one hundred thousand dollars from the fund to
64 23 provide training for victim service providers.

64 24 Notwithstanding section 8.33, any balance in the fund on June
64 25 30 of any fiscal year shall not revert to the general fund of
64 26 the state.

64 27 Sec. 112. 2006 Iowa Acts, chapter 1106, section 1,
64 28 subsection 5, paragraph c, is amended to read as follows:

64 29 c. Grants for veterans injured after September 11, 2001,
64 30 but prior to the effective date of this section of this Act
64 31 shall be payable, upon a showing that the veteran would have
64 32 been eligible for payment had the injury occurred on or after
64 33 the effective date of this Act.

64 34 Sec. 113. 2006 Iowa Acts, chapter 1153, section 3,
64 35 subsection 1, paragraph c, subparagraph (4), is amended to
65 1 read as follows:

65 2 (4) Information regarding adopted ethical and professional
65 3 standards of operation for the governing body and employees of
65 4 the recipient entity and information concerning the
65 5 implementation of these standards and the training of
65 6 employees and members of the governing body on the standards.
65 7 The standards shall include but not be limited to a nepotism
65 8 policy which shall provide, at a minimum, for disclosure of
65 9 familial relationships among employees and between employees
65 10 and members of the governing body, and policies regarding
65 11 conflicts of interest, standards of responsibility and
65 12 obedience to law, fairness, and honesty.

65 13 Sec. 114. 2006 Iowa Acts, chapter 1179, section 33,
65 14 unnumbered paragraph 1, is amended to read as follows:

65 15 Section 8.57, subsection 6, Code Supplement 2005, is
65 16 amended by adding the following new paragraph:

65 17 Sec. 115. 2006 Iowa Acts, chapter 1179, section 57,
65 18 subsection 1, is amended to read as follows:

65 19 1. A state aviation fund is created under the authority of
65 20 the department. The fund shall consist of moneys deposited in

65 21 the fund pursuant to sections ~~328.21~~ 328.36 and 452A.82 and
65 22 other moneys appropriated to the fund.
65 23 Sec. 116. RETROACTIVE APPLICABILITY. The following
65 24 sections of this Act are retroactively applicable as follows:
65 25 1. The section amending 2006 Iowa Acts, chapter 1106,
65 26 section 1, is retroactively applicable to May 8, 2006, and is
65 27 applicable on and after that date.
65 28 2. The section amending 2006 Iowa Acts, chapter 1153,
65 29 section 3, is retroactively applicable to service contracts
65 30 entered into or renewed by an oversight agency on and after
65 31 October 1, 2006.
65 32 3. The section amending 2006 Iowa Acts, chapter 1179,
65 33 section 33, is retroactively applicable to July 1, 2006, and
65 34 is applicable on and after that date.

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JOHN P. KIBBIE
President of the Senate

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PATRICK J. MURPHY
Speaker of the House

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66 11 I hereby certify that this bill originated in the Senate and
66 12 is known as Senate File 272, Eighty-second General Assembly.

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MICHAEL E. MARSHALL
Secretary of the Senate

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66 18 Approved _____, 2007

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66 22 _____
CHESTER J. CULVER

66 23 Governor